

THE NATIONAL ARCHIVES  
LITTERA  
SCRIPTA  
MANET  
1934  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 10                      NUMBER 38

*Washington, Thursday, February 22, 1945*

## *The President*

### EXECUTIVE ORDER 9523

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF THE AMERICAN ENKA CORPORATION LOCATED AT OR NEAR ENKA, NORTH CAROLINA

WHEREAS after investigation I find and proclaim that the plants and facilities of the American Enka Corporation located at or near Enka, North Carolina, are plants and facilities that are equipped for the manufacture and production of articles or materials which may be required for the war effort or which may be useful in connection therewith; that as a result of labor disturbances there is a threatened interruption of the operations of the said plants and facilities of the American Enka Corporation; that the war effort will be unduly impeded or delayed by these interruptions and that the exercise as hereinafter specified of the powers and authority vested in me is necessary to insure in the interest of the war effort the operation of these plants and facilities:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including the War Labor Disputes Act and the Selective Training and Service Act of 1940 as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, I hereby authorize the Secretary of War to take possession of the plants and facilities of the American Enka Corporation located at or near Enka, North Carolina, together with any real or personal property, wherever situated, used in connection therewith, and to operate such plants and facilities in accordance with the provisions of all applicable laws and in such manner as he may deem necessary for the effective prosecution of the war. Possession of any plants or facilities so taken shall be terminated

by the Secretary of War within sixty days after he determines that such possession is no longer necessary for the effective prosecution of the war.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
February 18, 1945.

[F. R. Doc. 45-2839; Filed, Feb. 20, 1945;  
3:17 p. m.]

## *Regulations*

### TITLE 7—AGRICULTURE

#### Chapter VIII—War Food Administration (Sugar Orders)

##### PART 802—SUGAR DETERMINATIONS

##### DETERMINATION OF FAIR AND REASONABLE PRICES FOR 1945 CROP OF VIRGIN ISLANDS SUGARCANE

Pursuant to the provisions of subsection (d) of section 301 of the Sugar Act of 1937, as amended, and Executive Order 9322, issued March 26, 1943, as amended by Executive Order 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.53c *Fair and reasonable prices for the 1945 crop of Virgin Islands sugarcane.* Processors who, as producers, apply for payment under the Sugar Act of 1937, as amended, shall be deemed to have complied with the provisions of section 301 (d) of said act, if the requirements specified below have been met:

(a) Purchased sugarcane is paid for at the rate of not less than the f. o. b. mill value of 6 pounds of 96° raw sugar per hundredweight of such sugarcane when the average quantity of such sugar recovered for the season represents less than 10% of the weight of such sugarcane; 63% of the f. o. b. mill value of the quantity of 96° raw sugar recovered when the average quantity of such sugar represents 10% or more but less than 12% of the weight of such sugarcane; and 65%

(Continued on next page)

## CONTENTS

### THE PRESIDENT

EXECUTIVE ORDER:	Page
Enka Corp., Enka, N. C., possession and operation by Secretary of War.....	2133

### REGULATIONS AND NOTICES

COMMODITY CREDIT CORPORATION: Peanuts, termination of order...	2136
FEDERAL TRADE COMMISSION: Healthaids, Inc.; cease and desist order.....	2136
INTERNAL REVENUE BUREAU: Taxes on oleomargarine, butter, etc.; execution of bonds....	2137
GENERAL LAND OFFICE: Wyoming, reduction of stock driveway withdrawal.....	2146
OFFICE OF DEFENSE TRANSPORTATION: Motor vehicle passenger service, substitution for electric railway service in San Francisco, Calif.....	2147
OFFICE OF PRICE ADMINISTRATION: Adhesives and paints (Order 31 under 3 (e)).....	2147
Adjustments and pricing orders: Fernandez & Rullova Cigar Co.....	2149
Humphrey Products Co.....	2149
Jacobs Mfg. Co.....	2148
Automotive parts, wholesalers' and retailers' prices (MPR 453, Am. 67).....	2143
Bituminous coal (MPR 120, Am. 131, 132) (2 documents)...	2142, 2143
Fruits and vegetables, fresh (MPR 426, Am. 51).....	2145
Hawaii, food and drink sold for immediate consumption (Restaurant MPR 9-1, Am. 2).....	2145
Stone aggregates, crushed, etc. (MPR 188, Am. 72 to Order A-1).....	2148
Sugar (2d Rev. RO 3, Am. 8)...	2144
Tomatoes, notice to growers of proposed maximum prices (Administrative Notice 12)...	2148

(Continued on next page)





Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

#### NOTICE

Book 1 of the 1943 Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per copy. This book contains the material in Titles 1-31, including Presidential documents, issued during the period from June 2, 1943, through December 31, 1943.

#### CONTENTS—Continued

PETROLEUM ADMINISTRATION FOR WAR:	Page
Fuel oil marketing, prohibited transfers.....	2146
SECURITIES AND EXCHANGE COMMISSION:	
Aggregate indebtedness to net capital, brokers and dealers.....	2136
Hearings, etc.:	
Associated Gas & Electric Co. and Associated Gas & Electric Corp.....	2149
Oklahoma Gas & Electric Co.....	2151
Portland General Electric Co.....	2152
Scranton-Spring Brook Water Service Co., et al.....	2150
United Light & Power Co., et al.....	2151
Utilities Stock & Bond Corp.....	2150
SURPLUS PROPERTY BOARD:	
Real estate, power of owning agencies to lease.....	2152

#### CONTENTS—Continued

WAGE AND HOUR DIVISION:	Page
Learner employment certificates, issuance to various industries.....	2146
WAR FOOD ADMINISTRATION. See also Commodity Credit Corporation.	
Apples (WFO 121, Am. 1).....	2134
Candy bars, rolls, or packages (WFO 115, Am. 4).....	2135
Milk, New York metropolitan marketing area.....	2134
Schedules, revision (WFO 74-5).....	2135
Sugarcane prices, Virgin Islands, 1945 crop.....	2133
Suspension order; Winona Milk Co., Inc.....	2135
WAR PRODUCTION BOARD:	
Power, water, gas and central steam heat (U-7, Gen. Dir. 2).....	2142
Priorities system operation:	
Spot authorization for production (PR 25).....	2137
Application for allotments and preference ratings (PR 25, Dir. 2, revocation).....	2140
Pumps, self-priming centrifugal (L-192, Dir. 2).....	2141
Suspension orders:	
Ajax Lumber Co.....	2140
Colorado Mattress Manufacturing Co.....	2141
Glass, Leo, and Co.....	2140
Herbst Bros.....	2137
Luminous Tube Lighting Co. and Grolume Manufacturing Co.....	2140
Richter & Phillips Co.....	2137
Standard Trunk and Suitcase Co.....	2141
WAR SHIPPING ADMINISTRATION:	
Bulk cargo, water-borne defense-aid; forwarding.....	2146

of the f. o. b. mill value of the quantity of 96° raw sugar recovered when the quantity of such sugar recovered represents 12% or more of the weight of such sugarcane. The average New York price of 96° raw sugar, for the week (or such other period as may be agreed upon) in which sugarcane was delivered, less all costs involved in the marketing of such sugar (other than bags and bagging, storage in company warehouses, war risk insurance, or any item of expense incurred in the marketing of such sugar which is reimbursed in whole or in part by the federal government or any agency thereof) shall be deemed as the f. o. b. mill value of such sugar.

(b) There is paid, per hundredweight of purchased sugarcane, an amount equal to one-half of the excess, if any, of the net proceeds derived from the sale of blackstrap molasses produced from a hundredweight of sugarcane of the 1944 crop over the net proceeds from the sale of blackstrap molasses produced from a hundredweight of sugarcane from the 1941 crop.

(Sec. 301, 50 Stat. 910; 7 U.S.C. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 20th day of February 1945.

ASHLEY SELLERS,  
Assistant War Food Administrator.  
[F. R. Doc. 45-2840; Filed, Feb. 20, 1945; 3:23 p. m.]

#### Chapter IX—War Food Administration (Marketing Agreements and Orders)

##### PART 927—MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

###### SUSPENSION OF CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, it is hereby determined that the provisions of such order which provide seasonal minimum prices for Class 1 milk during the months of April, May, and June 1945, are provisions which obstruct and which do not tend to effectuate the declared policy of the act with respect to producers of milk under such order.

It is, therefore, ordered, That the following provisions of § 927.4 (a) (1) of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, are hereby suspended for the period from the date hereof to June 30, 1945:

1. Designation of the periods "April through June" and "July through March," and

2. The prices established for the period "April through June."

Done at Washington, D. C., this 20th day of February 1945.

ASHLEY SELLERS,  
Assistant War Food Administrator.  
[F. R. Doc. 45-2882; Filed, Feb. 21, 1945; 11:17 a. m.]

#### Chapter XI—War Food Administration (Distribution Orders)

[WFO 121, Amdt. 1]

##### PART 1405—FRUITS AND VEGETABLES

###### APPLES

War Food Order No. 121 (10 F.R. 695), issued on January 16, 1945, is hereby amended by deleting therefrom the provisions in § 1405.50 (a) (1) and inserting, in lieu thereof, the following:

(1) "Apples" means whole, fresh apples of any or all strains of the Winesap or Newtown varieties grown in Washington or Oregon and located in either of those two states.

The provisions of this amendment shall become effective at 12:01 a.m., p.w.t., February 21, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 121 prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 121 in



effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 20th day of February 1945.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 45-2843; Filed, Feb. 20, 1945;  
3:24 p. m.]

[WFO 115, Amdt. 4]

#### PART 1490—MISCELLANEOUS FOOD PRODUCTS

##### CANDY BARS, CANDY ROLLS, OR CANDY PACKAGES

War Food Order No. 115 (9 F.R. 12239) issued on October 6, 1944, as amended (9 F.R. 12947, 14927, 10 F.R. 103), is hereby further amended by inserting immediately after § 1490.8 (b) (4) the following additional provisions:

(5) The set-aside requirements hereof shall not be applicable after February 20, 1945, to the candy bars, candy rolls, and candy packages set aside by a manufacturer during October, November, and December 1944 which, on or prior to the aforesaid date, are not (i) purchased by a governmental agency, or (ii) included in a contract of purchase or a contract to purchase by a governmental agency.

(6) Notwithstanding any provision of this order, the Director may, if he deems that such will tend to effectuate the purposes of this order, release from the set-aside provisions hereof any candy bars, candy rolls, or candy packages.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 20, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 115, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 115, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 20th day of February 1945.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 45-2842; Filed, Feb. 20, 1945;  
8:24 p. m.]

[Suspension Order Docket No.  
WFA-MW-8-82]

#### PART 1590—SUSPENSION ORDERS

##### WINONA MILK CO., INC.

This proceeding was instituted by the issuance and service of a statement of

charges and procedure in which it was alleged, inter alia, that Winona Milk Company, Inc., 759-61 East Broadway, Winona, Minnesota (the "respondent"), had utilized milk solids in excess of quota in the production of ice cream during the quota periods February 1943 to May 1944, inclusive, in violation of War Food Order 8,<sup>1</sup> as amended (8 F.R. 953, 12163; 9 F.R. 4735, 5767, 9584; 10 F.R. 103). The respondent filed an answer and requested a hearing.

Pursuant to respondent's request, this matter was heard by a presiding officer on October 17, 1944. The respondent appeared at this hearing in person and by counsel, adduced evidence, cross-examined witnesses, and was otherwise heard. An appearance was entered on behalf of the War Food Administration and it too adduced evidence, cross-examined witnesses, and was otherwise heard.

The salient and pertinent facts of this matter were stipulated and agreed to between the War Food Administration and the respondent. It appears from this stipulation and agreement, and I therefore find, that the respondent, during the quota periods beginning February 1, 1943, and ending May 31, 1944,<sup>2</sup> utilized 6136.59 pounds of milk solids in excess of quotas in the production of ice cream. This finding allows respondent a credit for the delivery of 166.4 pounds of milk solids which, it was stipulated, were delivered to an exempt agency.

Because of the great scarcity of dairy products, including milk solids and frozen dairy foods and mix, in the channels of distribution for the fulfillment of the requirements of the United States for defense for private account and for export, and because of the importance of having dairy products, including milk solids and frozen dairy foods and mix, distributed in a manner to assure an adequate supply and efficient distribution thereof for war and essential civilian needs, the aforesaid violations by respondent have impeded the war effort and have, therefore, been contrary to public interest. It is therefore ordered, that:

§ 1590.12 *Suspension order against Winona Milk Company, Inc.* (a) Respondent, its officers, directors, servants, agents, and employees, and all persons acting under, through, or for said respondent, during any allocation period, shall utilize in the production of frozen dairy foods or mix not more than forty-five per centum of the total milk solids used by said respondent in the production of frozen dairy foods or mix, respectively, during the corresponding portion of the base period, exclusive of all such products processed for, or sold to, a governmental agency by respondent during such base period: *Provided, however*, That in the event the percentage of permissible utilization of total milk solids for the production of frozen dairy

<sup>1</sup> This order, as issued, was designated Food Distribution Order 8. On April 20, 1944, this order was redesignated War Food Order 8 (9 F.R. 4319).

<sup>2</sup> Each calendar month beginning February 1, 1943, has been designated a quota period by War Food Order 8-1 (8 F.R. 1330).

foods or mix, respectively, established by the War Food Administration shall be either greater or lesser than sixty-five per centum, the percentage of total milk solids which respondent may utilize in the production of frozen dairy foods or mix, respectively, shall be twenty per centum under such established percentage. This restriction shall remain in full force and effect until the difference between the utilization of total milk solids by the respondent and the utilization of total milk solids permitted by War Food Order 8, as amended, or as it may be amended, shall equal 6136.59 pounds of total milk solids.

(b) Nothing contained in this order shall be deemed to relieve respondent, its officers, directors, servants, agents, and employees, and all persons acting under, through, or for said respondent, from any restriction, prohibition, or provision contained in any order or regulation of the War Food Administrator, including, but without limitation to, War Food Order 8, as amended, or as it may be amended, except insofar as the same may be inconsistent with the provisions hereof.

(c) Any terms used in this order which are defined in War Food Order 8, Amendment 1 (8 F.R. 12163) issued by the War Food Administrator on September 1, 1943, and made effective on September 6, 1943, shall have the meaning therein given to them unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(d) This order shall become effective five days after service hereof on the respondent.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; and 8 F.R. 16497; 9 F.R. 6202, 9943)

Issued this 20th day of February 1945.

C. W. KITCHEN,  
Director of Marketing Services.

[F. R. Doc. 45-2883; Filed, Feb. 21, 1945;  
11:17 a. m.]

[WFO 74-5]

#### PART 1598—GENERAL REGULATIONS

##### REVISION OF SCHEDULES

Pursuant to the authority vested in me by the provisions of War Food Order No. 74, as amended (9 F.R. 8002, 10 F.R. 103), Schedules A and C to that order are hereby revised to read as follows:

##### SCHEDULE A

Set aside foods:	Applicable War Food Order
American (Cheddar) cheese.....	15
Beef.....	75.2
Pork.....	75.3
Dried Skim Milk.....	54
Rice.....	10
Butter.....	2
Lard.....	75.3

##### SCHEDULE C

Designated foods:	Applicable War Food Order
Canned fish and shellfish (Limited to Maine and California sardines, salmon, mackerel).....	44



## SCHEDULE C—Continued

Designated foods:	Applicable War Food Order
Canned fruits and fruit juices (Limited to apples, apricots, berries, red sour pitted cherries, figs, fruit-cocktail, grapefruit, peaches, pears, pineapple, applesauce, blueberries, sweet cherries, orange juice, grapefruit juice, orange and grapefruit juice, and pineapple juice) -----	22
Canned vegetables and vegetable juices (Limited to asparagus, lima beans, snap beans, beets, carrots, corn, peas, pumpkin and squash, spinach, tomatoes, tomato puree, tomato paste, tomato juice, tomato catsup, and sauerkraut) -----	22
Dried fruits (Limited to apples, apricots, pears, peaches, prunes, and raisins) -----	16

This revision shall be effective on February 19, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 74, 8 F.R. 13880, 14017, 15655, 9 F.R. 4321, 4319, and 8002, 10 F.R. 103)

Issued this 19th day of February 1945.

RALPH W. OLMSTEAD,  
Director of Supply.

[F. R. Doc. 45-2785; Filed, Feb. 19, 1945;  
3:22 p. m.]

#### Chapter XII—War Food Administration (Commodity Credit Orders)

[WFO 24, Termination]

##### PART 1600—OILSEEDS

###### PEANUTS

War Food Order No. 24 (formerly Commodity Credit Corporation Order 4), 8 F.R. 7887, is hereby terminated as of 12:01 a. m., e. w. t. February 16, 1945.

With respect to violations, rights accrued, or liabilities incurred under War Food Order No. 24 prior to said date, all provisions of said War Food Order No. 24 shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 20th day of February 1945.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 45-2841; Filed, Feb. 20, 1945;  
3:23 p. m.]

#### TITLE 16—COMMERCIAL PRACTICES

##### Chapter I—Federal Trade Commission

[Docket No. 4332]

##### PART 3—DIGEST OF CEASE AND DESIST ORDERS

###### HEALTHAIDS, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of*

*product or service.* In connection with the offering for sale, sale, or distribution of Serutan, or any product of substantially similar composition or possessing similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of said product, which advertisements represent directly or through inference that said product (a) is a cure or remedy for constipation; will restore or maintain natural elimination; will promote normal or regular action by the digestive or eliminative organs or muscles; or has any therapeutic value in the treatment of constipation in excess of the temporary relief afforded by its laxative action; (b) will strengthen the digestive or eliminative organs or muscles; or (c) will stimulate the digestive or eliminative organs or muscles; prohibited, subject to the provision, however, that said last prohibition shall not be construed to prohibit representations that said product tends to stimulate peristaltic action by the intestines. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Healthaids, Inc., et al., Docket 4332, January 18, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of January, A. D. 1945.

*In the Matter of Healthaids, Inc., a Corporation, The Journal of Living Publishing Corporation, a Corporation, and Victor H. Lindlahr, an Individual*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, briefs in support of and in opposition to the complaint, and the oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That respondents Healthaids, Inc., of New Jersey, a corporation, and Journal of Living Publishing Corporation, a corporation, their respective officers, representatives, agents, and employees, and Victor H. Lindlahr, an individual, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of Serutan, or any product of substantially similar composition or possessing similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertise-

ment which represents directly or through inference that said product

(a) Is a cure or remedy for constipation; will restore or maintain natural elimination; will promote normal or regular action by the digestive or eliminative organs or muscles; or has any therapeutic value in the treatment of constipation in excess of the temporary relief afforded by its laxative action.

(b) Will strengthen the digestive or eliminative organs or muscles.

(c) Will stimulate the digestive or eliminative organs or muscles; but this shall not be construed to prohibit representations that said product tends to stimulate peristaltic action by the intestines.

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, which advertisement contains any of the representations prohibited in paragraph 1 above.

*It is further ordered,* That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-2861; Filed, Feb. 21, 1945;  
11:02 a. m.]

#### TITLE 17—COMMODITY AND SECURITIES EXCHANGES

##### Chapter II—Securities and Exchange Commission

##### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

##### AMENDMENT TO RULE RELATING TO AGGREGATE INDEBTEDNESS TO NET CAPITAL WITH RESPECT TO BROKERS AND DEALERS

The Securities and Exchange Commission, having given due consideration to the rules and settled practices of the Los Angeles Stock Exchange imposing minimum capital requirements for its members, and deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to the authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 15 (c) and 23 (a) thereof, hereby amends paragraph (b) (2) of § 240.15c3-1 [Rule X-15C3-1] by inserting the words "Los Angeles Stock Exchange" before the words "New York Curb Exchange".

Effective February 21, 1945.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-2853; Filed, Feb. 21, 1945;  
9:50 a. m.]



## TITLE 26—INTERNAL REVENUE

## Chapter I—Bureau of Internal Revenue

## Subchapter C—Miscellaneous Excise Taxes

[T. D. 5439]

## PART 310—TAXES ON OLEOMARGARINE, ADULTERATED BUTTER, AND PROCESS OR RENOVATED BUTTER

## EXECUTION OF BONDS

Regulations 9 (revised April 1936) (26 CFR, Part 310), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4886, approved February 11, 1939 (26 CFR, Cum. Supp., Part 310, Note), are amended as follows:

Section 310.27 (Article 27) is amended by changing paragraph (a) thereof to read as follows:

§ 310.27 Bonds—(a) Execution. Before commencing business a manufacturer shall furnish the collector with a bond which meets with his approval. Bonds shall be executed in duplicate on Form 214. Both copies shall be forwarded to the collector, who will retain the original and forward the duplicate to the Commissioner. Bonds may be executed with individual or corporate sureties or supported by Government securities.

(Sec. 3791, I.R.C. (53 Stat. 467; 26 U.S.C. 3791))

[SEAL] JOSEPH D. NUNAN, JR.,  
Commissioner of Internal Revenue.

Approved: February 20, 1945.

JOSEPH J. O'CONNELL, JR.,  
Acting Secretary of the Treasury.

[F. R. Doc. 45-2874; Filed, Feb. 21, 1945;  
11:20 a. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

## PART 1010—SUSPENSION ORDERS

[Suspension Order S-725]

## THE RICHTER AND PHILLIPS CO.

The Richter and Phillips Company, Temple Bar Building, Court and Main Streets, Cincinnati, Ohio, is a corporation engaged in the business of importing, exporting, and distributing jewelry, luggage, sporting goods, and some electrical appliances. The business is predominantly mail order. The company violated Consumers' Goods Inventory Limitation Order L-219 by receiving into its inventory merchandise in excess of its allowable receipts as provided for in that order as follows: In the third quarter of 1943 in the amount of \$57,424.56; in the fourth quarter of 1943 in the amount of \$59,759.86; in the first quarter of 1944 in the amount of \$63,-

415.06; in the second quarter of 1944 in the amount of \$98,682.67 and in the third quarter of 1944 in the amount of \$50,918.47. The violation of Limitation Order L-219 in the third quarter of 1944 was the result of gross negligence and the violations have interfered with the controls established by the War Production Board for the distribution of consumers' goods. In view of the foregoing, it is hereby ordered, that:

§ 1010.725 Suspension Order No. S-725. (a) The Richter and Phillips Company, its successors, or assigns throughout the first calendar quarter of the year 1945 shall not receive into its mercantile inventory or for sale, consumers' goods of total cost value exceeding \$41,000.00, regardless of whether or not respondent's mercantile inventory as of January 1, 1945 is below the inventory limit provided by Order L-219.

(b) Nothing contained in this order shall be deemed to relieve the Richter and Phillips Company, its successors, or assigns, from any restriction, prohibition, or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 20th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2848; Filed, Feb. 20, 1945;  
4:26 p. m.]

## PART 1010—SUSPENSION ORDERS

[Suspension Order S-726]

## HERBST BROS.

Herbst Brothers, 1525 Mission Street, San Francisco, California, is a partnership, composed of Maurice Herbst, Herman Herbst and Jack Herbst, engaged in the production and sale, at wholesale, of household equipment, household ware, and particularly in the manufacture of garbage cans or ash cans. The firm also acts as jobbers of such items. The firm failed to keep and maintain accurate and complete records as a result of which it was impossible to ascertain its compliance with provisions of War Production Board orders and regulations applicable to its operations, and in particular with Priorities Regulation No. 1, CMP Regulations No. 1 & No. 5, Limitation Order L-30-a, Limitation Order L-23-c, Conservation Order M-126, and Conservation Order M-21. The firm also (1) issued orders to suppliers purporting to be authorized controlled material orders, bearing false certifications, (2) orderedterne plate, falsely certifying on War Production Board Form 2444 that the order was supported by deliveries made, (3) diverted carbon steel and seizing strand from the uses for which they were allotted, (4) misapplied allotment numbers and preference rating symbols to secure merchandise other than its authorized production materials by false representations, (5) manufactured garbage cans exceeding the permissible capacity limitations, (6) manufactured

1100 dust pans without authorization; all of which were wilful violations of Priorities Regulation No. 1, CMP Regulation No. 1, Limitation Order L-30-a, and Limitation Order L-30-d.

These violations of orders and regulations of the War Production Board have diverted critical materials to uses unauthorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.726 Suspension Order No. S-726. (a) During the second calendar quarter of 1945, Maurice Herbst, Herman Herbst, and Jack Herbst, doing business as Herbst Brothers, shall not receive, use or have the benefit of any carbon steel, whether heretofore or hereafter allotted to them, in excess of 125 tons.

(b) During the third calendar quarter of 1945, Maurice Herbst, Herman Herbst, and Jack Herbst, doing business as Herbst Brothers, shall not receive, use or have the benefit of any carbon steel, whether heretofore or hereafter allotted to them, in excess of 100 tons.

(c) For a period of two months from the effective date of this order, no further allocations or allotments shall be made to Maurice Herbst, Herman Herbst, and Jack Herbst, doing business as Herbst Brothers, of any material or product, the supply or distribution of which is governed by any order or regulation of the War Production Board. This paragraph may be terminated at an earlier date by the War Production Board upon submission to it by Herbst Brothers of satisfactory proof that Herbst Brothers is maintaining proper records as required by Priorities Regulation No. 1.

(d) The restrictions and prohibitions of this order shall apply to Maurice Herbst, Herman Herbst, and Jack Herbst, doing business as Herbst Brothers, or under any other name, their successors and assigns or persons acting in their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(e) Nothing contained in this order shall be deemed to relieve Maurice Herbst, Herman Herbst, and Jack Herbst, doing business as Herbst Brothers, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as same may be inconsistent with the provisions hereof.

Issued this 20th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2849; Filed, Feb. 20, 1945;  
4:26 p. m.]

## PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 25, as amended Feb. 21, 1945]

## SPOT AUTHORIZATION FOR PRODUCTION

Section 944.46 Priorities Regulation 25 is amended to read as follows:



§ 944.46 *Priorities Regulation 25*—(a) *What this regulation does.* This regulation explains how to get WPB authorization and priorities assistance for non-military production above the minimum essential production programmed by WPB, when local conditions make this possible without interference with the War Effort. Production authorized under this regulation is of two kinds: (1) Production prohibited or limited by an L or M order, (2) Production which, though not so prohibited, is above the level that WPB has determined is the minimum essential.

(b) *General policy of the WPB in granting production authorization and priorities assistance for non-military products.* The WPB has established certain levels of production of non-military products that it considers the minimum essential required for civilian use. Those levels are called "programs". Generally, the policy of the WPB is to treat the amount of non-military production authorized for each industry for the fourth quarter of 1944 (except production under this regulation) as the "program" level. Production up to this level will be authorized by WPB by "regular" and "special" authorizations. Production above this level will be authorized by "regular" or "special" authorizations only with respect to products where the War Production Board determines the higher level is essential. In all other cases production above this program will be authorized, if at all, only by a "spot authorization." The difference between these authorizations is explained in the next five paragraphs.

(c) *Different ways of getting WPB authorization for production.* In general, there are three ways in which the WPB authorizes non-military production: regular authorizations, special authorizations under individual WPB orders, and spot authorizations under this regulation. In addition, WPB may grant an appeal to persons suffering unusual hardship, as explained in paragraph (f) below.

(d) *Regular authorization.* Regular authorized production schedules are given pursuant to application on Form CMP-4B (or special form such as WPB-3700 in a few cases) in the case of Class B Products under the Controlled Materials Plan and on form WPB-2613 in the case of unclassified products under Priorities Regulation 11B. These authorizations will be given for each non-military product up to the level which the WPB determines to be the minimum essential for the entire industry. Up to this level, "firm" allotments of steel, copper and aluminum will be given and a rating of AA-3 or better will usually be assigned for other production materials. If your product is limited by an applicable WPB order and you want to exceed that limit, then a regular authorization is not enough, you either must receive a spot authorization under this regulation or get an appeal granted.

(e) *Special authorization.* Some WPB orders provide special procedures for authorizing production of the products which they regulate. These special authorizations are subject to all the rules

which govern regular authorizations except as otherwise stated in the individual orders.

(f) *Appeals.* The appeals procedure is designed to grant relief from WPB restrictions where, owing to unforeseen circumstances or exceptional conditions peculiar to an individual and not typical of an entire industry, compliance with the restrictions of an order results in an unusual hardship. The granting of appeals is under the supervision of the WPB Appeals Board which is set up for the purpose of preventing unnecessary hardships in the application of WPB orders. Details as to the appeals procedure are given in Priorities Regulation 16 and also in a number of individual L or M orders. If an allotment of controlled materials is given for production for which an appeal is granted, a firm allotment of steel, copper or aluminum will generally be made, and, a rating of AA-3 or better for other production materials will usually be assigned.

(g) *Spot authorizations.* Spot authorizations differ from regular authorizations, special authorizations, and appeals in that, instead of a firm allotment for controlled materials, the WPB normally gives only a deferred or "Z" allotment. Also, instead of a rating of AA-3 or better for other production materials, there is usually a rating of AA-5 or no rating. The spot authorization method was originally designed to set aside restrictions on production contained in certain L or M orders, whenever labor and facilities were available locally and no longer needed for essential purposes, even though no unusual, individual hardship was involved. As explained in paragraph (b) the spot authorization method has been expanded to apply not only to cases where production restrictions of L and M orders are involved, but also to other cases where, although there is no such restriction, which must be set aside, the WPB considers that a deferred allotment and a low rating or no rating is appropriate. In either case, a spot authorization will be given only where materials and facilities are available and the local manpower conditions will permit the production without interference with the war effort.

(h) *Considerations in granting spot authorizations.* In passing on applications for spot authorizations, the following conditions will generally govern:

(1) Spot authorizations will not be granted if production will in any way interfere with war production or programmed production of essential civilian products.

(2) Manpower and facilities must be available to the applicant and not required for more essential purposes. The application will be denied if the proposed use of manpower would interfere with local or inter-regional recruitment of labor needed for essential purposes.

(3) In general, more favorable consideration will be given to applications where the articles can be produced from idle, excess or frozen materials and components (whether in the applicant's inventory or available from others) than where new materials and components are required.

(4) Preference ratings of AA-5 will be assigned, but only for the production of utility items of importance to civilian requirements. A list of these items is published in the WPB monthly publication "Products and Priorities" which can be examined at your nearest local WPB field office. In general, more favorable consideration will be given to applications for the production of these items. A deferred allotment will be given only where the over-all supply of controlled materials makes this possible. Where no deferred allotment can be given, controlled materials must be obtained from idle and excess stocks.

(5) Allotments, preference ratings and authorizations granted under this regulation represent WPB's policy to permit less essential production whenever it does not interfere with production for war purposes. The War Production Board expects manufacturers who are authorized under this regulation to obtain production materials required, if at all, within the limits of the authorization granted to them. Consequently, the War Production Board will not generally grant any further assistance, higher preference ratings, allocations of critical materials or other special action to insure production under such authorization. Additional assistance will be granted only in extraordinary circumstances where unusual hardship to the applicant or the community can be demonstrated. Inability to produce as authorized will not be considered such hardship.

(6) A spot authorization will be revoked by the WPB at any time if it finds that the materials, facilities or labor being used under it are needed for more essential purposes.

(i) *How to tell whether to apply for a regular authorization or a spot authorization.* (1) If you want to make a product whose production is prohibited or more of a product than is permitted by an order which refers to this regulation, you should file for a spot authorization unless you want to appeal in one of the few cases described in paragraph (j).

(2) If you want to make a product that is not so prohibited or limited, you should usually file an application for a regular or special authorization. Although paragraph (b) explained that WPB would not generally authorize production above the fourth quarter level, you can still file the regular form even if you want to make more of the product than you made in the fourth quarter of 1944, since individual increases may be permitted in some cases and also the authorized level of production may be raised on some products where WPB determines the higher level is essential. However, you can always file Form WPB-4000 for a spot authorization if you wish. If you want to increase over the fourth quarter level, it would be helpful to check with your local WPB District Office since they may advise you to file a WPB-4000 where an increase will not be permitted on other applications. This is to assist in the prompt handling of your application. It does not make any other difference whether you apply for a regular or a spot authorization since the WPB will



decide what to give you on the program basis described in paragraph (b) above.

*(j) Relationship to appeals procedure.*

(1) Where an order restricts or prohibits production of a product, there are two general ways in which WPB gives relief. One is a spot authorization, as described in this regulation. The other is by appeal as described in paragraph (f). Usually, where you can apply for relief by a spot authorization, you cannot appeal. However, there are certain exceptions to this general rule which permits you to appeal instead and which are explained in this paragraph. In addition, a number of orders are not subject to this regulation, and some provisions in those orders that are subject to this regulation cannot be waived by a spot authorization. In such a case, you can get relief only by an appeal, or by a "special authorization" as described in the order.

(2) Because this amendment to Priorities Regulation 25 (dated February 21, 1945) changes the rules formerly applicable by permitting more appeals, you have to look at this regulation to tell when you can appeal from an order which has not been amended since February 21, 1945, and which is subject to this regulation.

(3) If the order has been so amended, then it will describe when you can appeal, when you can file for a spot authorization, and when you can do both. Sometimes one of those orders will refer to sub-paragraph (4) (iii) of this paragraph (j) and when it does you can appeal under the conditions described in that paragraph.

(4) Where the order from which you need relief has not been amended since February 21, 1945:

(i) If the order states that you may appeal, then you may always do so, even though the spot authorization method may also be available. However, in the case of orders which have not been amended to refer to this regulation and which are listed in a direction to this regulation, authorization is to be requested under this regulation if the only exemption sought is from provisions which prohibit manufacture entirely or restrict the amount of manufacture permitted. If relief from other provisions is sought, an appeal should be filed in the manner indicated in the particular order.

(ii) You can file for a spot authorization, for relief to the extent described in the order, or, if the order has never been amended to refer to Priorities Regulation 25, then to the extent described in a direction to this regulation.

(iii) In addition, appeals may be filed in the following cases, even if the order says that they may not: (a) If you are already making an article (otherwise than under a spot authorization) and, without causing an increase in your production, you need to make it in a manner prohibited by the order, because of conditions which are peculiar to your production and not common to all producers of the same article, and because of unusual hardship. Appeals on this ground will usually be granted only for a period not exceeding three months and will ordinarily not be renewed. (b) If there

are any other special reasons relating to the nature of your product or the peculiar effect of an order on you why a spot authorization would not be appropriate to your case, which would result in unusual hardship. Such special reasons must be clearly stated in your appeal. The mere fact that you do not wish to have a manpower check under this regulation or that you will not be able to get production materials with a deferred allotment or without a rating better than AA-5, or that you will not get as large an allotment of controlled materials as you need, will not generally be considered ground for a grant of appeal.

(k) *Forms.* (1) Applications for regular authorizations must be made on Form CMP-4B (or other special form when required) for Class B products as explained in CMP Regulations and on Form WPB-2613 for unclassified products coming under Priorities Regulation 11B. If your initial regular authorization is not enough, you may apply for a supplementary authorization on Form CMP-4B, or WPB-2613. Regular authorizations are granted on Forms CMPL-150, 200, 201, or WPB-2613.

(2) Special authorizations should be applied for as explained in the WPB order regulating the product.

(3) Appeals should always be filed on Form WPB-1477 unless the order which you appeal from specifies filing on a different form or by letter. Further rules regarding the filing of appeals are given in Priorities Regulation 16.

(4) Applications for spot authorizations must be filed on Form WPB-4000 with Form WPB-3820 attached. However, in a few cases, a specific L or M order may specify another form (for instance L-23-b, domestic electric ranges). The application should be filed with the WPB Field Office. Spot authorizations are issued on Form CMPL-150C, CMPL-200C or CMPL-201C.

(l) *Effect of spot authorization; what provisions in other orders are set aside.*

(1) A spot authorization (on Form CMPL-150C, CMPL-200C, or CMPL-201C) sets aside the provisions of the orders which refer to this regulation. However, only the specific provisions described in the orders are set aside, and all other provisions of the order or other applicable orders still apply. If the order does not refer to this regulation, but is listed on a direction to this regulation, then a spot authorization gives relief only to the extent described in the direction. In any case, a single spot authorization automatically gives this relief from all orders subject to this regulation, with respect to the production authorized, whether the applicant lists all these orders on his application or not.

(2) *No other rating or allotment symbol may be used.* You may not use any rating or allotment symbol to get production materials for a schedule authorized under a spot authorization, except the one assigned to that schedule, or except one specifically assigned to you by WPB for a specific material or product for use in the schedule.

(3) *Material obtained from another source or for another purpose may not be used.* You may not use any materials

or products to fill a production schedule authorized under a spot authorization which you got by using a preference rating or allotment symbol assigned for another purpose or another production schedule unless you are unable to use or dispose of the materials or products for the purpose for which the allotment or rating was given. For example, if you have been making vacuum cleaner repair parts with an allotment and rating assigned with a regular or special authorization for that purpose, you may not use these parts to make vacuum cleaners authorized by a spot authorization under this regulation.

(4) *Schedules not automatically rated.* Authorization of a production schedule under this regulation does not of itself give the applicant a preference rating of AA-5 under Sec. 944.1b of Priorities Regulation 1.

(5) *Rated orders for other products you can produce must still be accepted.* Spot authorizations to produce civilian products do not allow you to refuse to accept and produce rated orders for civilian or military production. If you receive a spot authorization, you still must comply with all the provisions of Priorities Regulation 1 regarding the acceptance and filling of rated orders.

(6) *Restriction on finished inventory waived.* If you get an authorization under this regulation you may make the authorized product for your own inventory without regard to the inventory restrictions of § 944.14 of Priorities Regulation 1. However, that section still restricts your inventory of production materials and components of the product you are authorized to make and also restricts your customer's inventory of your product which they buy from you.

(7) *Restrictions on Class A components.* Spot authorization not only gives you relief from certain restrictions of any WPB order which provides for spot authorizations or which is listed in a direction to this regulation, but also will grant the same relief automatically to any sub-contractor who furnishes you with a Class A component of the product, unless manufacture of the Class A component is restricted by a WPB order which does not provide for spot authorization and is not listed in a direction to this regulation.

(8) *Special treatment of unrated orders placed under this regulation.* Certain orders of the War Production Board require a rating of AA-5 before a purchase order for products or materials covered by the order may be placed, or the products or materials be manufactured or delivered. Despite the provisions of any such WPB order, an unrated purchase order placed for materials required to fill a production schedule identified by the CMP Allotment Symbol Z-1 may be accepted and filled. The supplier may reject the order if he desires but if he accepts the order, it must be scheduled for production and delivery as an unrated order. In placing the order the buyer should endorse it with the allotment symbol Z-1 received on the CMPL-150C, and the standard certification of Priorities Regulation No. 7.



Issued this 21st day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2876; Filed, Feb. 21, 1945;  
11:16 a. m.]

PART 944—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN

[Priorities Reg. 25, Revocation of Direction 2]

Direction 2 to Priorities Regulation 25 is hereby revoked, since the subject matter is incorporated in the amendment to Priorities Regulation 25.

Issued this 21st day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2877; Filed, Feb. 21, 1945;  
11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-718]

AJAX LUMBER CO.

Albert T. Ajax, doing business as Ajax Lumber Company of Corinth, Mississippi, operated a concentration lumber yard and was a producer as defined in Conservation Orders M-364 and M-361 as amended March 20, 1944. During the period from January 1, 1944 to June 30, 1944 he shipped without authorization 837,167 feet of pine in violation of Conservation Order M-361 and 284,616 feet of hardwood in violation of Conservation Order M-364. He also failed to preserve and maintain adequate records of transactions under priorities control as required by Priorities Regulation No. 1.

Albert T. Ajax was familiar with Orders M-361 and M-364 and his violations were wilful and have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.718 *Suspension Order No. S-718.* (a) For a period of three months Albert T. Ajax shall not sell or deliver any lumber except on orders bearing a preference rating of AA-1 or higher unless specifically authorized to do so by the War Production Board. This restriction shall not apply to orders or contracts which are now on hand.

(b) The restrictions and prohibitions contained herein shall apply to Albert T. Ajax doing business as Ajax Lumber Company or under any other name and to his successors and assigns and persons acting in his behalf. Prohibition against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Albert T. Ajax, doing business as Ajax Lumber Company, his successors or assigns, from any restriction, prohibition or provision contained in any other order of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the 21st day of February 1945.

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2878; Filed, Feb. 21, 1945;  
11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-719]

LUMINOUS TUBE LIGHTING CO. AND GORLUME  
MANUFACTURING CO.

J. R. Gordon, H. R. Gordon and I. R. Gordon, co-partners doing business as Luminous Tube Lighting Company and Gorlume Manufacturing Company at 2441 South Michigan Avenue, Chicago, Illinois, are engaged in the selling of fluorescent lighting fixtures. Between February 1, 1944 and April 14, 1944, and between April 28, 1944 and June 30, 1944, the partnership sold and delivered approximately 6,455 new fluorescent lighting fixtures on orders which did not bear preference ratings in violation of General Limitation Order L-73. The partners were familiar with the provisions of General Limitation Order L-78 and their actions constituted wilful violations thereof.

These violations have hampered and impeded the war effort of the United States by diverting materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.719 *Suspension Order No. S-719.* (a) J. R. Gordon, H. R. Gordon and I. R. Gordon shall not for a period of three months from the effective date of this order apply or extend any preference ratings, nor shall they use any CMP allotment symbols or obtain any material as provided for under CMP Regulation No. 4, unless otherwise specifically authorized in writing by the War Production Board.

(b) The provisions of paragraph (a) above shall not apply to deliveries of materials required to fill any order of or contract with the Army, Navy, Maritime Commission or any other governmental department or agency of the United States.

(c) Nothing contained in this order shall be deemed to relieve J. R. Gordon, H. R. Gordon and I. R. Gordon from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) The restrictions and prohibitions contained herein shall apply to J. R. Gordon, H. R. Gordon and I. R. Gordon, doing business as Luminous Tube Lighting Company and Gorlume Manufacturing Company or under whatever name they may together or severally operate, their successors or assigns or persons acting in their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(e) This order shall take effect on the 21st day of February 1945.

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2879; Filed, Feb. 21, 1945;  
11:16 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-720]

LEO GLASS AND CO.

Leo Glass and Beatrice Glass, his wife, under the registered trade name of Leo Glass and Company, are in the business of the manufacture of costume jewelry. During the period between December 14, 1943, and March 31, 1944, they put into process for the manufacture of costume jewelry 13,682.50 ounces of domestic silver. The manufacturing process was not by hand tool but was by mechanically driven implements. This was in violation of Conservation Order M-199, as amended November 10, 1943, the provisions of which Mr. and Mrs. Glass had full knowledge. On and after July 1, 1944, they continued to put into process for the manufacture of costume jewelry domestic silver of which they had more than 300 troy ounces in process on May 15, 1944, although they had no quota for the third calendar quarter of 1944 for the reason that they were not in the costume jewelry business during the year 1941. This was in violation of Conservation Order M-199, as amended May 15, 1944. Leo Glass and his wife had full knowledge of the Order and the violation was wilful.

These violations of Conservation Order M-199 have diverted critical material to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.720 *Suspension Order No. S-720.* (a) Leo Glass and Beatrice Glass, doing business as Leo Glass and Company or otherwise, their successors or assigns, shall not for four months from the effective date of this order apply or extend preference ratings or use any CMP allotment symbols regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) Until December 31, 1945, Leo Glass and Beatrice Glass, doing business under the trade name of Leo Glass and Company, or otherwise, their successors or assigns, shall not receive or accept delivery of any silver from whatsoever source derived, nor shall they put into process or continue processing, manufacturing, fabricating or assembling any silver in excess of 500 troy ounces for List B uses during any calendar quarter unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Leo Glass and Beatrice Glass, doing business under the trade name of Leo Glass and Company, their successors or assigns, from any re-



striction, prohibition, or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 21, 1945.

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2880; Filed, Feb. 21, 1945;  
11:16 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-721]

##### COLORADO MATTRESS MANUFACTURING CO.

Colorado Mattress Manufacturing Company of 2363 Larimer Street, Denver, Colorado, is a partnership composed of Morris Stein and Morris Nierenberg, Jr. At all times since 1941, it has been engaged in manufacturing and selling mattresses and in shipping them to its customers in fibre shipping containers. The partnership violated War Production Board Priorities Regulation No. 1 by failing to keep, maintain, and preserve at all times during 1944, complete and accurate records of its purchases, use, distribution and quota of fibre shipping containers. These violations, resulting from gross negligence of the partners, have interfered with the controls established by the War Production Board for the distribution of critical materials. In view of the foregoing, it is hereby ordered, that:

§ 1010.721 *Suspension Order No. S-721.* (a) For a period of two months from the effective date of this order, deliveries of materials to Morris Stein and Morris Nierenberg, Jr., doing business as Colorado Mattress Manufacturing Company, their successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) The provisions of paragraph (a) may be terminated at an earlier date by the War Production Board upon submission to it of satisfactory proof that Colorado Mattress Manufacturing Company is maintaining proper records as required by Priorities Regulation No. 1.

(c) The provisions of paragraph (a) shall not apply to deliveries to Colorado Mattress Manufacturing Company, its successors or assigns, of materials required to fill contracts already entered into prior to the date of this order, or to fill any order or contract with the Army, Navy, Maritime Commission, or any other governmental department or agency of the United States.

(d) Nothing contained in this order shall be deemed to relieve Morris Stein and Morris Nierenberg, Jr., doing busi-

ness as Colorado Mattress Manufacturing Company or otherwise, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the 21st day of February 1945.

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2881; Filed, Feb. 21, 1945;  
11:16 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-701, Stay of Execution]

##### STANDARD TRUNK AND SUITCASE CO.

Standard Trunk and Suitcase Company, a partnership composed of Max Sherman and Marvin Sherman, located at 1242 South Flower Street, Los Angeles, California has appealed from the provisions of Suspension Order No. S-701, issued February 2, 1945 and has requested a stay on the ground that irreparable harm will be done its business. The Chief Compliance Commissioner has directed that the respondent shall be relieved from the restrictions of the suspension order insofar as luggage produced for military orders, Post Exchanges and Ships' Service Stores is concerned, and that the order shall be stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner: *Provided, however, That the luggage produced for Post Exchanges and Ships' Service Stores shall be manufactured in accordance with the restrictions contained in Schedule I of General Limitation Order L-284, as amended.* In view of the foregoing: *It is hereby ordered, That:*

The provisions of Suspension Order No. S-701, issued February 2, 1945, insofar as military orders and luggage produced for Post Exchanges, and Ships' Service Stores is concerned, are hereby stayed, subject to reinstatement, pending final determination of the appeal or until further order by the Chief Compliance Commissioner: *Provided, however, That the luggage produced for Post Exchanges and Ships' Service Stores shall be manufactured in accordance with the restrictions contained in Schedule I of General Limitation Order L-284, as amended.*

Issued this 20th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2802; Filed, Feb. 20, 1945;  
11:26 a. m.]

#### PART 1157—CONSTRUCTION MACHINERY

[Limitation Order L-192, Direction 2]

##### SELF-PRIMING CENTRIFUGAL PUMPS

The following direction is issued pursuant to Limitation Order L-192:

(a) *What this direction does.* Because of the possibility of emergency flood conditions in the eastern part of the United States, it is necessary to direct the distribution of certain sizes and types of pumps to and within this area for a limited period of time. As used in this direction, "pumps" means only new self-priming centrifugal pumps, sizes 1½" to 6" inclusive, of the type defined in Schedule B of Order L-192.

(b) *Sales by producers.* (1) During the period February 15, 1945 through March 31, 1945, each pump producer must reserve at least 75% of his total authorized non-military production and inventory of pumps covered by this direction for distribution in the states of New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Kentucky and Missouri. He may not sell or deliver pumps from this 75% to areas outside those states or for export during that period. Non-military production means all production except for "war agencies" as defined in Order L-192.

(2) Within this 75% reserve, each producer is expected to make the most equitable distribution possible to his dealers and distributors in the above states during the above period, based upon his best judgment as to the greatest actual or potential need for the pumps in relieving or preventing flood damage.

(3) If a producer is unable to fill all orders from dealers and distributors in the above states during this period out of the 75% reserve, he may prorate deliveries among them on the basis of his best judgment as to their need under the above standards regardless of preference ratings (other than AAA). Orders from such dealers and distributors in excess of the producer's ability to fill them from the 75% reserve are to be filled only in accordance with applicable regulations and orders of the War Production Board, including the provisions of paragraph (b) (4) below.

(4) A producer may sell or deliver up to 10% of his total non-military production and inventory of pumps during the above period without regard to the provisions of this direction. The remaining 15% must be held by the producer as a special reserve, and may not be sold or delivered, whether within or outside the above states, except upon specific authorization in writing of the War Production Board. A producer may apply by letter, telegram or telephone to the War Production Board, Construction Machinery Division, Washington 25, D. C., for instructions or permission with respect to the distribution of this 15%.

(c) *Sales by dealers or distributors.* (1) During the period February 20, 1945, through March 31, 1945, dealers or distributors of pumps covered by this direction in the states of New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Kentucky, and Missouri, are expected to make the most equitable distribution possible, whether by sale or lease, based upon their best judgment as to the greatest actual need for pumps in relieving or preventing flood damage. Dealers or distributors in these states must reserve at least 25% of their stock and receipts of pumps during the above period, and may not sell, lease or deliver pumps from this reserve to any person other than a "war agency" until authorized in writing by the War Production Board. Authorization will be given when and if flood conditions become acute and may be issued to individual dealers and distributors or in a published direction to all dealers and distributors in particular areas.

(2) During this period, a dealer or distributor in the states mentioned above may sell or lease pumps under the above conditions regardless of preference ratings (other than AAA), except to fill an order placed by a "war agency". He may also during this



period treat any purchase order which is otherwise unrated as if it bore a preference rating of AA-3. This rating and any other rating on purchase orders filled may be extended in the manner described in Priorities Regulation 3.

(d) *Special directions.* In cases of emergency, whether for flood control or otherwise, the War Production Board may authorize or direct a particular producer, dealer or distributor in writing to fill particular orders or classes of orders for pumps without regard to the provisions of this direction.

(e) *Exemptions.* This direction does not apply to production for or distribution to "war agencies" as defined in Order L-192, nor does it apply to any pump producer who is located on the West Coast or who is not making pumps covered by this direction for other than war agencies. It also does not apply to dealers or distributors not located in the states listed in paragraph (c) (1).

(f) *Expiration.* This direction expires April 1, 1945, unless otherwise revoked, extended or modified.

Issued this 20th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2847; Filed Feb. 20, 1945;  
4:27 p. m.]

#### PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U-7, General Directive 2]

§ 4500.17 *General Directive 2 under Utilities Order U-7—(a) Purpose of this directive.* The purpose of this directive

is to conserve natural gas and thereby protect deliveries to war industries and essential services by restricting the deliveries, acceptance and use of natural gas wherever it can be replaced by stand-by facilities using residual fuel oil.

(b) *Area shortage.* The Appalachian area shall be deemed an area in which a gas shortage exists, within the meaning of paragraphs (b) and (c) of Utilities Order U-7.

(c) *Restriction on deliveries.* Commencing February 21, 1945 and until March 20, 1945, except as otherwise ordered by the War Production Board, no utility or non-utility supplier in the Appalachian area shall make deliveries of natural gas to any commercial or industrial consumer having stand-by facilities capable of utilizing residual fuel oil (#5, #6 or Bunker C), except to the extent that the fuel requirements of any such consumer cannot be supplied by such stand-by facilities: *Provided*, That any additional curtailments which are necessary shall be made in accordance with the provisions of paragraph (c) (1) of Utilities Order U-7.

(d) *Prohibition of acceptance.* No consumer to whom deliveries of natural gas are prohibited by paragraph (b) above, shall accept any such deliveries.

(e) *Area limits.* As used in this directive, Appalachian area shall include the States of Virginia, West Virginia, Maryland, Ohio, Pennsylvania, New York and the District of Columbia.

Issued this 20th day of February 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-2850; Filed, Feb. 20, 1945;  
4:27 p. m.]

#### Chapter XI—Office of Price Administration

##### PART 1340—FUEL

[MPR 120, Amdt. 132]

##### BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.233 is amended to read as follows:

§ 1340.233 *Appendix V—Maximum prices for bituminous coal produced in District No. 23.* (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses (including Railroad Fuel) and by all methods of transportation except truck or wagon:

Subdistricts	Identification	Maximum prices by size group numbers								
		1, 2, 3, 4, 5	6, 7, 8, 9, 10	11, 12	13, 14	15, 16, 17, 18	19, 20	21	22, 23	24, 25
A	Roslyn Field, Washington	620	600	585	535	485	525	465	440	420
B	Pierce County, Washington	620	620	570	535	485	525	490	475	420
C	Southwest Washington	520	480	425	380	380	370	365	365	245
D	Bellingham Field, Washington	590	555	495	470	470	450	445	420	430
E	McKay-Lawson Field, Washington	705	665	610	610	610	520	520	520	335
F	Renton Field, Washington	625	540	510	470	470	470	390	370	310
G	Cumberland Field, Washington	600	560	510	480	470	495	455	455	310
H	Healy River Field, Alaska <sup>1</sup>									
I	All other mines, Alaska <sup>1</sup>									
J	Riverton Field, Oregon	555	405		255		255			
K	Marshfield Field, Oregon	555	455		355		355			305
L	Marion and Clackamas Counties, Oregon	530	450	425	380	380	370	365	365	245

<sup>1</sup> Excluded from price schedule.

(2) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses:

Subdistricts	Identification	Maximum prices by size group numbers								
		1, 2, 3, 4, 5	6, 7, 8, 9, 10	11, 12	13, 14	15, 16, 17, 18	19, 20	21	22, 23	24, 25
A	Roslyn Field, Washington	695	685	620	585	545	595	520	490	470
B	Pierce County, Washington	670	670	620	595	555	560	535	520	455
C	Southwest Washington	545	495	470	395	395	445	395	395	270
D	Bellingham Field, Washington	710	620	570	520	495	525	525	465	345
E	McKay-Lawson Field, Washington	745	720	685	685	650	645	570	545	335
F	Renton Field, Washington	635	595	545	520	495	505	500	470	320
G	Cumberland Field, Washington	645	595	545	505	495	520	495	485	345
H	Healy River Field, Alaska <sup>1</sup>									
I	All other mines, Alaska <sup>1</sup>									
J	Riverton Field, Oregon	595	445		295		295			
K	Marshfield Field, Oregon	595	495		395		395			345
L	Marion and Clackamas Counties, Oregon	555	495	470	395	395	445	395	395	270

<sup>1</sup> Excluded from price schedule.

#### (3) Special price instructions:

(i) A charge of no more than 10 cents per net ton may be made for chemical, oil or waxing treatment to allay dust or prevent freezing.

\*Copies may be obtained from the Office of Price Administration.

(ii) A charge of no more than 25 cents per net ton may be made for washing coals in Subdistrict A for Size Group 19.

(iii) A charge of no more than 10 cents per net ton may be made for washing coals, in Subdistricts A and C for size groups 13, 15, 16, 21 and 23.

<sup>1</sup> 9 F.R. 5042, 5375, 5587.

(4) Specific descriptions of size group numbers referred to in subparagraphs (1) and (2).

1. All single-screened lump coals, bottom size larger than 3½".

2. All single-screened lump coals, bottom size larger than 2" but not exceeding 3½".



All double-screened coals, top size larger than 4" and bottom size larger than 2".

3. All single-screened lump coals, bottom size larger than 1" but not exceeding 2".

4 & 5. All single-screened lump coals, bottom size 1".

6. All double-screened coals, top size larger than 3½" but not exceeding 4", and bottom size larger than 1½" but not exceeding 2".

7. All double-screened coals, top size larger than 3¼" but not exceeding 3½", and bottom size larger than 1¼" but not exceeding 2½".

8. All double-screened coals, top size larger than 3" but not exceeding 3¼" and bottom size larger than 1¼" but not exceeding 1½".

9. All double-screened coals, top size larger than 3" but not exceeding 3½" and bottom size larger than 1" but not exceeding 1¼".

10. All double-screened coals, top size larger than 2" but not exceeding 3" and bottom size larger than 1" but not exceeding 1¼".

11. All double-screened coals, top size larger than 2" but not exceeding 2½" and bottom size larger than ¾" but not exceeding 1".

12. All double-screened coals, top size larger than 1½" but not exceeding 2" and bottom size larger than ¾" but not exceeding 1¼".

13. All double-screened coals top size larger than 1¼" but not exceeding 2" and bottom size larger than 3/32" but not exceeding 3/8".

14. All double-screened coals top size not exceeding 1¼" and bottom size larger than ½" but not exceeding 1".

15. All double-screened coals top size not exceeding 1¼" and bottom size larger than ¾" but not exceeding 1½".

16. All double-screened coals top size not exceeding 1" and bottom size larger than 3/32" but not exceeding 3/8".

17. All double-screened coals top size larger than 1" but not exceeding 1½" and bottom size not exceeding 3/32".

18. All double-screened coals top size not exceeding 1" and bottom size not exceeding 3/32".

19. Mine run and all resultant coals larger than 3½" x 0.

20. All slack coals larger than 2" x 0 but not exceeding 3½" x 0.

21. All slack coals larger than 1¼" x 0 but not exceeding 2" x 0.

22. All slack coals larger than 1" x 0 but not exceeding 1¼" x 0.

23. All slack coals larger than ¾" x 0 but not exceeding 1" x 0.

24. All slack coals larger than 3/32" x 0 but not exceeding ¾" x 0.

25. All slack coals not exceeding 3/32" x 0.

(5) All orders of adjustment and adjustments computed on OPA Form 653-638 under § 1340.207 (added by Amendment No. 74 to this regulation) shall be void as of February 26, 1945.

This amendment shall become effective February 26, 1945.

Issued this 21st day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2866; Filed, Feb. 21, 1945; 11:09 a. m.]

#### PART 1340—FUEL

[MPR 120, Amdt. 131]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amend-

<sup>1</sup> 9 F.R. 5042, 5375, 5587.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 120 is hereby amended in the following respects:

1. In § 1340.214 (b) (1) the table of prices, size group numbers and price

#### Price Classifications.

All mines in the No. 5 Block Seam in Nicholas County, West Virginia

2. In § 1340.214 (b) (2) (i) the "exceptions" listed at the bottom of the table of prices and size group numbers are deleted.

This amendment shall become effective February 26, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2865; Filed, Feb. 21, 1945; 11:08 a. m.]

#### PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 453, Amdt. 6]

#### WHOLESALE AND RETAILERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 453 is amended in the following respects:

1. The headnote of section 6 and the undesignated paragraph in that section immediately preceding paragraph (a) are amended to read as follows:

SEC. 6. Maximum prices for sales at wholesale and at retail of new and rebuilt parts when the seller has not been notified by his supplier of the applicable maximum price. Maximum prices for sales at wholesale and at retail of new and rebuilt parts which do not have resale list prices which the supplier has stated to be the maximum prices for resellers, shall be established in accordance with the first applicable of the following paragraphs, subject to paragraph (d):

2. Section 7a is amended to read as follows:

SEC. 7a. Maximum prices for sales at wholesale and retail of used parts. The maximum price for the sale either at wholesale or retail of a used part shall be as follows:

(a) For the sale of a used transmission, differential, motor, or motor sub-

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 11582, 13256, 15458; 9 F.R. 3651, 10982, 12039.

classifications is amended by deleting therefrom the table of exceptions, and by deleting from the "price classifications" column the words, "except as stated hereinafter," and adding to the price classifications and table, the mines of the No. 5 Block Seam and prices therefor as follows:

#### Prices and size group numbers

	1	2	3	4	5
	*	*	*	*	*
	*	*	*	*	*
	310	290	290	275	275

assembly, the maximum price shall be:

(1) A percentage of the manufacturer's suggested retail list price for the same part when new. This percentage is:

(i) 60% when the used part is usable without rebuilding;

(ii) 30% when the used part requires rebuilding before it can be used; or

(2) When there is no manufacturer's suggested retail list price for the same part when new, the maximum price shall be a percentage of the aggregate amount of the manufacturers' suggested retail list prices for the part's components when new. This percentage is:

(i) 42% when the used part (i. e. the assembly or subassembly) is usable without rebuilding;

(ii) 21% when the used part (i. e. the assembly or subassembly) requires rebuilding before it can be used.

If a component of a used transmission, differential, motor or motor subassembly being priced under this subparagraph (2) does not have a retail list price suggested for it when new by its manufacturer, then for that component include in the aggregate amount an amount equal to the retail list price suggested for the nearest equivalent part when new by its manufacturer.

(b) For the sale of a used part not priced under paragraph (a), the maximum price shall be a percentage of the manufacturer's suggested retail list price for the same part when new. This percentage is:

(1) 75% for the sale of a used part that is usable without rebuilding;

(2) 30% for the sale of a used part that requires rebuilding before it can be used.

If a used part being priced under this paragraph (b) does not have a retail list price suggested for it when new by its manufacturer, then determine its maximum price by applying the applicable percentage above to the retail list price suggested for the nearest equivalent part when new by its manufacturer.

This amendment shall become effective February 26, 1945.

Issued this 21st day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2866; Filed, Feb. 21, 1945; 11:10 a. m.]



## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3, Amdt. 8]

## SUGAR

A rationale accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Second Revised Ration Order 3 is amended in the following respects:

1. Section 2.2 is amended to read as follows:

**SEC. 2.2 Home canning and preserving for home use—(a) General.** A consumer may obtain sugar for home canning fresh fruits during 1945 for use by himself and his family unit (or for making the gifts of canned fruits permitted by section 26.2 of Revised Ration Order 13) in an amount not to exceed one (1) pound per four (4) quarts of finished canned fruit, and a total of five (5) pounds for making jams, jellies, preserves, marmalade and fruit butters from fruits, for canning vegetables, making products such as pickles, relishes, catsup, mince meat, and for curing meat. The total amount of such sugar which may be granted to any consumer for both such purposes for the period from February 23, 1945 through October 31, 1945, inclusive, shall not exceed twenty (20) pounds. However, no family unit consisting of more than eight (8) persons may be granted more than 160 pounds of sugar, only forty (40) pounds of which may be for jams, jellies, preserves, marmalades, fruit butters, vegetables and products such as pickles, relishes, catsup, mince meat and for curing meat.

**NOTE:** As used in this section the term "fruit" includes fruit juices.

**(b) How application is made.** Application for sugar in accordance with this section may be made to the Board in person or by mail on OPA Form R-341 by one adult member of a family unit for all members of a family unit, or if there is no adult, by the oldest member, or if all members of the family unit are minors, not self-supporting, by the parent or guardian.

The applicant shall give the information required by OPA Form R-341 and shall attach a spare stamp 13 from the War Ration Book Four for each member of the family unit covered by the application. (An applicant who has not obtained the maximum amount permitted under this section may make one other application, subject to the provisions of paragraph (d), during the 1945 home coming season, for the difference between the maximum allowed in paragraph (a) and the amount granted by the Board. Such application must be made at the same Board and no spare stamp need be attached to that application. However, in no case may more than two applications be made by a consumer under this section.)

**(c) Action on application.** If the Board finds that the facts stated in the application are true and that a spare

stamp 13 for each person covered by the application is attached thereto, it shall grant the applicant sugar in the amount which it determines he needs, and will use, for these purposes. In making this determination, the Board shall give due consideration to the past practice of the individual or family unit with respect to home canning, the prevailing home canning practices in the locality among individuals and families in circumstances similar to those of the applicant, the amount of sugar obtained during the 1944 home canning season used for the purpose, the availability in the locality of fruit suitable for canning, and such other circumstances of the applicant or other criteria as the Board deems pertinent to the particular request.

The maximum amount to be issued in any event is subject to the limitation in paragraph (a), and may not exceed the amount applied for. The Board shall issue coupons (OPA Forms R-342 and R-330) for the amount of sugar granted. (Before June 1, 1945 a Board which does not have "home canning coupons" OPA Form R-342 may issue no more than four (4) checks, in the total amount granted.)

**(d) When application may be made.** Home canning applications may be made at any time from February 23, 1945 to October 31, 1945, inclusive; except in those districts where the District Director with the approval of the Regional Administrator, has fixed two periods during the 1945 home canning season in which all consumers who live within that District may apply for sugar to be used for the purposes covered by this section. The times when such periods shall begin and end for that District will be determined in the discretion of the District Office, provided that the end of the second period shall not be later than October 31, 1945. However, applications may be made at other times during the home canning season but not after October 31, 1945, if the applicant shows good reason for not applying during the period.

**(e) How sugar obtained under this section may be used.** Sugar obtained under this section shall be used only in the quantities and for the purposes for which it was granted.

2. Section 2.3 is amended to read as follows:

**SEC. 2.3 Home canning for sale—(a) General.** A consumer who produced during 1944, for sale, "home processed foods" (as defined in section 26.1 of Revised Ration Order 13) from fresh fruits and fruit juices or who produced in a "kitchen," for sale, during 1944 jams, jellies, preserves, marmalades or fruit butters may apply for sugar to produce such products for sale during 1945.

(Sections 26.1 and 26.4 of Revised Ration Order 13 apply in determining whether the place where the item is produced is considered a "kitchen".)

**(b) How application is made.** Application for sugar under this paragraph shall be made on OPA Form R-315 in person before October 31, 1945, to the Board for the place where he lives by the consumer for his family unit. The application shall state:

(1) The number of pounds of sugar his family unit used from February 29, 1944 through February 28, 1945, to produce, for sale, "home processed foods" from fruits and fruit juices; (include only the amount used in products actually produced and sold by him during this period; the amount used in products he used or gave away may not be included).

(2) The number of pounds of sugar his family unit used from February 29, 1944 through February 28, 1945, to produce "in a kitchen" for sale, jams, jellies, marmalades or fruit butters (include only the amount used in products actually produced and sold by him during this period; the amount used in products he used or gave away may not be included).

(3) The number of quarts of finished home processed foods he will produce for sale from fruits and fruit juices;

(4) The number of pounds of prepared fruit he will use to produce for sale jams, preserves and marmalades;

(5) The number of pounds of prepared fruit he will use to produce for sale jelly or fruit butters;

(6) The number of pounds of sugar applied for;

(7) The number of pounds of sugar, if any, obtained since February 23, 1945, by the members of his family unit under this section to produce these products for sale, and the name of the applicant;

(8) The number of pounds of sugar, if any obtained in 1944 for these purposes which he and his family unit still have.

(9) What facilities he has for producing the above items for sale;

(10) If the Board to which application is made is not the Board from which sugar was obtained for these purposes in 1944, he must give the full address of the other Board.

**(c) How application is acted on.** The Board may not act upon an application filed under this section but must send the application and all information in the files covering sugar obtained by his family unit for these purposes, and its recommendation, to the District Office. If the District Office finds that the facts stated in the application are true it may grant the application for the amount it determines the applicant will use for purposes of this section. However, the total amount of sugar that a family unit may obtain during the period from February 23, 1945, to October 31, 1945, shall not exceed the total amount of sugar used by it for the purposes covered by this section in those products produced for sale from February 29, 1944 through February 28, 1945<sup>1</sup> (excluding any amounts in products he used or gave away), minus the amount of any sugar which he and his family unit still have which was obtained for those purposes in 1944. The District Office shall instruct the Board to issue a check to the applicant for the amount of sugar granted, but in no event shall this amount be greater than the amount of sugar applied for.

<sup>1</sup>The period shall be from February 29, 1944 through February 22, 1945 if application is made before March 1, 1945.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>9 F.R. 13641, 13992, 14842, 15048, 10 F.R. 201.



(d) *Use of sugar obtained under this section.* Sugar obtained under this section may be used only for the purposes for which it was obtained and at the rate not to exceed:

(1) One pound per four (4) quarts or eight (8) pounds of finished home processed foods produced from fruits and fruit juices.

(2) One pound per pound of prepared fruit used for making jams, preserves, and marmalades.

(3) One pound per two (2) pounds of prepared fruit (or one pint of fruit juice) used for making jelly.

(4) One pound per two (2) pounds of prepared fruit (pulp) used for making fruit butters.

(e) *The applicant must make reports and keep records.* The applicant shall make the reports and keep the records required of him by Revised Ration Order 13 for the amount of home processed foods produced and sold by him. In addition, he must keep a record of the amount of jams, jellies, preserves, marmalade and fruit butter produced by him and the dates such products were sold and report such sales to the local Board on or before the 10th day following the quarterly period in which such sales were made. (These quarterly periods shall be the same as the quarterly allotment periods.)

(f) *Restriction on sales.* Home processed foods produced with sugar obtained under this provision of this section may be sold only in accordance with the provisions of Revised Ration Order 13 covering sale of home processed foods.<sup>1</sup>

3. Section 7.4 (b) is amended by adding at the end thereof the following:

Home canning coupons (OPA Form R-342) must be pasted on gummed sheets and surrendered or deposited in the same way stamps are surrendered and deposited.

4. Section 7.5 (b) (1) is amended to read as follows:

(1) A "home canning coupon" (OPA Form R-342) may be used by a consumer through November 30, 1945, to get five pounds of sugar. If received in accordance with this Order by a registering unit which is neither a depositor or required to be one, it authorizes the registering unit to take delivery of five pounds of sugar through December 31, 1945. If surrendered to a depositor it shall be valid for deposit in his account through January 10, 1946. This coupon does not authorize delivery of sugar and may not be deposited unless the name of a member of the family unit to whom it has been issued and the number of his War Ration Book Four has been written by him on the coupon in the space provided for those purposes. This "home canning" coupon may not be accepted by a registering unit from a consumer unless the consumer presents for identification a War Ration Book Four. The name of person to whom the War Ration Book Four has been issued and the serial number of that book must correspond with

<sup>1</sup> The period shall be from February 29, 1944 through February 22, 1945 if application is made before March 1, 1945.

the name and serial number endorsed on the coupon.

5. Section 7.5 (b) (2) is amended by deleting the word "section" in the parenthetical statement at the end thereof and inserting in its place the words "sections 2.2 and"

6. Section 17.16 (d) is added to read as follows:

(d) As used in this section the word "stamps" includes "home canning coupons" (OPA Form R-342).

7. Section 17.17 (g) is added to read as follows:

(g) As used in this section the word "stamps" includes "home canning coupons" (OPA Form R-342).

8. Section 17.18 (e) is added to read as follows:

(e) As used in this section the word "stamps" includes "home canning coupons" (OPA Form R-342).

9. Section 18.1 (c) (8) is amended to read as follows:

(8) "Family unit": A family unit consists of all persons related by blood, marriage or adoption who regularly reside in the same household.

10. Section 18.1 (c) (30) is amended to read as follows:

(30) "coupon" means a "ration coupon" (OPA Forms R-1209, R-330 or R-342)

This amendment shall become effective February 23, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2863; Filed, Feb. 21, 1945;  
11:08 a. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS [Restaurant MPR 9-1, Amdt. 2]

#### FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN THE ISLANDS OF OAHU, MAUI, AND HAWAII, TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Restaurant Maximum Price Regulation 9-1 is amended in the following respects:

1. Section 14 is amended to read as follows:

SEC. 14. *Relation to other maximum price regulations.* (a) Except as hereinafter provided in subparagraph (b) below, the provisions of this regulation shall supersede and take the place of all other regulations, including the General Maximum Price Regulation for the Territory of Hawaii, now or hereafter issued by the

\*Copies may be obtained from the Office of Price Administration.

Office of Price Administration, insofar as they establish ceiling prices for food and drink sold in eating and drinking establishments for immediate consumption on or about the premises or put up to take out for consumption without further preparation.

(b) *Exceptions.* The provisions of this regulation shall not apply to sales of the following items by eating and drinking establishments:

(1) Bottled soft drinks covered by section 28 of Maximum Price Regulation 373.

(2) Alcoholic beverages covered by section 25a of Maximum Price Regulation 373.

(3) Fresh fluid milk in other than one-half pint containers covered by section 71 of Maximum Price Regulation 373.

2. Section 17 is amended to read as follows:

SEC. 17. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment, reduction, or adjustment of the maximum prices of any food items, meals, or beverages sold or offered for sale by any seller or sellers so as to bring them in line with the level of maximum prices established under this regulation when, in the judgment of the Territorial Director, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

This amendment shall become effective as of February 12, 1945.

Issued this 21st day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2864; Filed, Feb. 21, 1945;  
11:08 a. m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 51]

#### FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

#### Correction

In Federal Register—Document 44-12543, appearing at page 10192 of the issue for Tuesday, August 22, 1944, columns 1, 2 and 3 of Table 16 should read as follows:

Column 1 Item No.	Column 2 Type, variety, style of pack, etc.	Column 3 Unit
1	Iceberg lettuce in L. A. or Salinas crate containing not less than 48 heads with a net weight of 60 pounds or more. <sup>1</sup>	L. A. or Salinas crate.
2	Iceberg lettuce in L. A. or Salinas crate containing less than 48 heads or with a net weight of less than 60 pounds and all other lettuce, except hothouse lettuce, in any container. <sup>1</sup>	L. A. or Salinas crate. Pound.
3	Iceberg lettuce in L. A. or Salinas crate containing less than 48 heads or with a net weight of less than 60 pounds and all other lettuce, except hothouse lettuce, in any container. <sup>1</sup>	Pound.
4	Hothouse lettuce in any container.	Pound.



# Chapter XIII—Petroleum Administration for War

[PDO 13 as Amended July 25, 1944, Amdt. 2]

## PART 1526—MARKETING FUEL OIL

### PROHIBITED TRANSFERS

Section 1526.3 (Petroleum Distribution Order No. 13, as amended July 25, 1944) is hereby amended by adding thereto the following paragraph (b) (6):

(b) *Prohibited transfer of fuel oil.*

(6) No person shall transfer or accept a transfer of fuel oil for use in the operation of fuel oil burning equipment designed to heat the space adjacent to such equipment without the use of pipes or ducts for conveying heat to such space (commonly known as a space heater), if all of the following conditions are present:

(i) Such equipment is used to heat a non-residential location;

(ii) The annual fuel oil ration, in areas where Revised Ration Order 11 is effective, or the annual fuel oil consumption, in areas where Revised Ration Order 11 is not effective, of any person for such purpose equals or exceeds 10,000 gallons; and

(iii) Such equipment is installed subsequent to February 26, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687; E.O. 9125, 7 F.R. 2719; WPB Directive No. 30, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong.; Pub. Laws 89 and 507, 77th Cong.; Pub. Law 509, 78th Cong.)

Issued this 22d day of February 1945.

RALPH K. DAVIES,  
Deputy Petroleum  
Administrator for War.

[F. R. Doc. 45-2862; Filed, Feb. 21, 1945;  
11:06 a. m.]

## TITLE 46—SHIPPING

### Chapter III—War Shipping Administration

[G. O. 38, Supp. 1]

## PART 301—GENERAL REGULATIONS

### FORWARDING OF WATER-BORNE DEFENSE-AID BULK CARGO

1. The first paragraph of § 301.52 *Appointment of agents* of General Order 38 is hereby amended to read:

§ 301.52 *Appointment of agents.* With respect to bulk cargo and other special cargoes, as determined by the Administrator through the Director of Traffic, procured under Lend-Lease requisition or United Nations Relief and Rehabilitation requisition, or procured as supplies for civilians in occupied areas or by or at the request of or under the supervision of the War Department, moving from continental United States ports, the Administrator, through the Director of Traffic, may designate and appoint individuals and private business concerns engaged in the forwarding and similar servicing of water-borne bulk cargo in foreign commerce of the United States, as his agents to make all neces-

sary arrangements for the transportation from designated terminal, yard, or other places at or adjacent to port of loading to designated docks, piers, or wharfs, and to perform such other duties customarily performed in the forwarding of bulk cargo, including, but not restricted to:

2. Section 301.53 *Compensation* is hereby amended to read:

§ 301.53 *Compensation.* The compensation for services rendered hereunder shall be at such fair and reasonable rates as the Administrator shall from time to time determine. Until further notice the Administrator finds and hereby determines that the following shall constitute a fair and reasonable rate:

(a) Grain in bags or bulk, five cents per long ton.

(b) All other cargo within the scope of this general order, 1¼% of the base freight charges on the cargo, before all surcharges, war or otherwise: *Provided, however,* That compensation shall not be paid on that portion of freight charges in excess of \$5.00 per long ton in the nearby trades, which includes Caribbean and Canadian, and \$8.00 per long ton in the long voyage trades.

(Pub. Law 498, 77th Cong.; 56 Stat 171; E.O. 9054, 7 F.R. 837)

E. S. LAND,  
Administrator.

FEBRUARY 19, 1945.

[F. R. Doc. 45-2884; Filed, Feb. 21, 1945;  
11:44 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### General Land Office.

[Stock Driveway Withdrawal 144, Wyo. 18]

#### WYOMING

#### REDUCTION OF STOCK DRIVEWAY WITHDRAWAL

The order of the First Assistant Secretary of the Interior establishing Stock Driveway Withdrawal No. 144, Wyoming No. 18, under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands:

#### SIXTH PRINCIPAL MERIDIAN

T. 30 N., R. 80 W.,  
sec. 19, lots 10, 11, 12, and S½SE¼.  
The area described contains 206.99 acres.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

FEBRUARY 12, 1945.

[F. R. Doc. 45-2852; Filed, Feb. 21, 1945;  
9:49 a. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

#### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982); as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

#### NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Co-Ed Frocks, Inc., Nakomis, Illinois; ladies' outer washable apparel; 25 learners (E); effective February 8, 1945, expiring February 7, 1946.

The Greenwich Garment Company, Inc., Greenwich, New York; cotton wash dresses; 10 percent (T); effective February 9, 1945, expiring February 8, 1946.

Hollywood Maxwell Company, 612½ Front Street, Natchitoches, Louisiana; brassieres; 10 learners (T); effective February 9, 1945, expiring February 8, 1946.

Tempest Manufacturing Company, Inc., Jesup, Georgia; men's and boys' sport and work shirts; 10 percent (T); effective February 12, 1945, expiring February 11, 1946.

Wright Garment Company, Bowman, Georgia; lend-lease trousers, civilian work pants; 50 learners (E); effective February 9, 1945, expiring August 8, 1945.

#### KNITTED WEAR INDUSTRY

Bestok Underwear Company, Tower City, Pennsylvania; knit cotton underwear; 5 learners (T); effective February 9, 1945, expiring February 8, 1946.

#### HOSIERY INDUSTRY

Martinat Hosiery Mills, Inc., Valdese, North Carolina; seamless hosiery; 10 learners (AT); effective February 9, 1945, expiring August 8, 1945.

Maryon Hosiery Mill, Carrollton, Georgia, seamless hosiery; 5 learners (T); effective February 9, 1945, expiring February 8, 1946.



## TELEPHONE INDUSTRY

The United Farmers Telephone Company, Cameron, West Virginia; to employ learners as commercial switchboard operators at its Cameron, West Virginia exchange, located at Cameron, West Virginia; effective February 9, 1945, expiring February 8, 1946.

Signed at New York, New York, this 17th day of February 1945.

PAULINE C. GILBERT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 45-2851; Filed, Feb. 20, 1945;  
4:51 p. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 2-11]

SAN FRANCISCO, CALIF.

## SUBSTITUTION OF MOTOR VEHICLE PASSENGER SERVICE FOR ELECTRIC RAILWAY SERVICE

Upon consideration of the application for authority to substitute motor vehicle bus service for certain electric railway passenger service filed with this Office by the City of San Francisco, California, as contemplated by General Order ODT 2 (7 F.R. 2952), and good cause appearing therefor,

1. The City of San Francisco, California, is authorized to substitute motor vehicle bus service over that section of its electric railway line on San Jose Avenue between Ocean Avenue in San Francisco, and Hillcrest Avenue in Daly City, California, for the electric railway service now operated by it between said points.

2. The City of San Francisco, California, if and to the extent required by law, shall apply for and obtain from the appropriate regulatory bodies authority to suspend such electric railway service and to institute the motor vehicle bus service which is to be conducted, and if and to the extent required by law, this operator shall file with the appropriate regulatory bodies, and publish in accordance with law, and continue in effect until further notice, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory bodies for such tariffs or supplements to become effective on one day's notice.

3. Communications concerning this order should refer to Supplementary Order ODT 2-11 and should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

4. This order shall become effective February 26, 1945.

Issued at Washington, D. C., this 21st day of February 1945.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 45-2836; Filed, Feb. 20, 1945;  
2:08 p. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 31 Under 3 (e)]

## ADHESIVES AND PAINTS

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and

pursuant to § 1499.3 (e) (3), It is ordered: Maximum prices for Miracle Adhesives and R-Mir-Dek products.

(a) The maximum prices for sales of Miracle Adhesives and R-Mir-Dek products to various classes of purchasers shall be:

	Prime distributor	Subdistributor	Wholesaler	Dealer	Retail (A) consumer	Retail (B) consumer
Miracle adhesives types H, M, MT, P, G, O (127, 970):						
55-gallon drums (per gallon).....	\$1.88	\$2.258	\$2.51			
5 gallon (per gallon).....	1.91	2.304	2.56	\$3.20	\$4.20	\$4.35
1 gallon.....	1.97	2.38	2.64	3.30	4.65	4.80
1 quart.....	.71	.756	.84	1.05	1.60	1.65
1 pint.....	.42	.4536	.504	.63	1.00	1.05
1/2 pint.....	.258	.277	.308	.385	.60	.65
4 1/2-ounce tube.....	.148	.162	.18	.24	.40	.40
1 1/4-ounce tube.....	.09	.1012	.1125	.15	.25	.25
1-ounce tube.....	.072	.081	.09	.12	.20	.20
1/2-ounce tube.....	.0432	.0486	.054	.072	.12	.12
Type R:						
5 gallon (per gallon).....	2.23	2.65	2.94	3.68	4.80	4.95
1 gallon.....	2.295	2.70	3.00	3.75	5.20	5.35
1 quart.....	.79	.83	.92	1.46	1.75	1.80
1 pint.....	.46	.50	.56	.70	1.10	1.15
1/2 pint.....	.288	.3024	.336	.42	.65	.70
Miracle underlayment:						
5 gallon (per gallon).....	1.59	2.02	2.24	2.64	3.30	3.35
1 gallon.....	1.667	2.15	2.38	2.81	3.50	3.65
46-inch bag aggregate (per bag).....	1.82	2.18	2.425	2.85	3.95	
R-Mir-Dek:						
5 gallon (per gallon).....	3.19	3.90	4.34	5.10	6.20	6.30
1 gallon.....	3.25	3.97	4.41	5.19	6.30	6.40
1 quart.....	1.00	1.23	1.37	1.62	2.00	2.15
R-Mir-Dek: Marking paint, deck paint, and floor paint:						
5 gallon (per gallon).....	2.87	3.58	3.97	4.68	5.70	6.00
1 gallon.....	2.93	3.64	4.05	4.76	5.80	6.10
1 quart.....	.90	1.14	1.27	1.49	1.85	1.95
R-Mir-Dek primer extender:						
5 gallon (per gallon).....	1.75	2.28	2.53	2.98	3.70	4.00
1 gallon.....	1.82	2.34	2.60	3.06	3.80	4.10
1 quart.....	.60	.81	.90	1.06	1.35	1.50
R-Mir-Dek top dressing:						
5 gallon (per gallon).....	2.03	2.83	3.14	3.70	4.55	4.85
1 gallon.....	2.10	2.89	3.22	3.78	4.65	4.95
1 quart.....	.73	.95	1.05	1.23	1.55	1.70

Retail Consumer (A): Prices delivered East of the Rocky Mountains.

Retail Consumer (B): Prices delivered in the Rocky Mountain District and Pacific Coast.

All other prices are f. o. b. factory Newark, N. J., except tubes which are f. o. b. Danville, Ill.

(b) No extra charge may be made for containers.

(c) As used in this section

(1) "Retail consumer" means any user other than a dealer including building contractors, hotels, apartment houses, hospitals, public buildings and private institutional buyers.

(2) "Dealer" means and includes stores, tile contractors, insulation contractors, small yacht yards, lumber yards, acoustical tile applicators, electrical contractors, plumbing contractors, glass stores, ship chandlers, automotive supply houses, dealers in building maintenance materials such as janitor supply houses and manufacturers buying for production.

(3) "Wholesaler" means any buyer who normally resells exclusively to dealers. This includes hardware jobbers, paint jobbers, tile wholesalers, electrical supply houses, automotive wholesalers, cooperatives which stock and sell from a central point or points, marine contractors who sell to ship-yards for shipyard work only, manufacturers buying for resale, mill supply jobbers, glass jobbers or wholesalers and chain stores operating warehouses and a separate wholesale purchasing division.

(4) "Sub distributor" means a manufacturer who sells to wholesalers and carries Miracle Adhesives and R-Mir-Dek products under a special designation; also exclusive sales agents carry-

ing a stock of such products and assuming complete financial responsibility.

(5) "Prime distributor" means those persons buying directly from the manufacturer.

(c) With or prior to the first delivery of Miracle Adhesive and R-Mir-Dek products to any buyer (except a retail consumer) the seller thereof shall furnish such buyer a written notice containing the following information:

(1) A statement that maximum prices for all sales of Miracle Adhesive and R-Mir-Dek products have been established by the Office of Price Administration.

(2) A schedule showing in detail such buyer's maximum resale prices.

(3) An instruction that such buyer is required by the Office of Price Administration to send with or prior to his first delivery to a subsequent buyer (other than a retail consumer) a written notice containing all the information specified in this paragraph (c).

(d) Prior to making delivery of any Miracle Adhesive or R-Mir-Dek product in a container of a size which will be sold to a retail consumer, the manufacturer (or the packager) thereof shall mark upon such container or package a legend showing the maximum retail consumer prices in substantially the following form:

Retail Ceiling Price \$..... except \$..... in the Rocky Mountain and Pacific Coast Districts.



This order shall become effective February 21, 1945.

Issued this 20th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2830; Filed, Feb. 20, 1945;  
11:43 a. m.]

[MPR 188, Amdt. 72 to Order A-1]

CRUSHED STONE AGGREGATES, ETC.

AUTHORIZATION OF MAXIMUM PRICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (32) (i) is amended to read as follows:

(32) Modification of producers' maximum prices for certain crushed stone aggregates, concrete building blocks, and ready-mixed concrete produced in Southern Florida. (i) (a) The maximum prices for certain sizes of Miami Oolite Limestone, all of which are hereinafter specifically described, when produced within a radius of 50 air-miles of the Dade County (Florida) Court House and sold for use in the building of roads, railroad roadbeds, dams, buildings, and other structures, or for use as aggregates in ready-mixed concrete, job-mixed concrete, bituminous binder mixtures, concrete building blocks, and other cast concrete products, shall be as follows:

GRADE "A" CRUSHED STONE—ABRASION TEST REQUIRED

	Maximum prices f. o. b. plant	Maximum prices delivered to job site within the Miami area
Sizes 1 to 9 inclusive.....	\$1.90	\$2.70
Sizes 10 to 16 inclusive.....	2.20	3.05
Sizes 17 and 18.....	2.60	3.45

GRADE "B" CRUSHED STONE—ABRASION TEST REQUIRED

	Maximum prices f. o. b. plant	Maximum prices delivered to job site within the Miami area
Sizes 1 to 9 inclusive.....	\$1.50	\$2.30
Sizes 10 to 16 inclusive.....	1.80	2.65
Sizes 17 and 18.....	2.20	3.05

GRADE "C" CRUSHED STONE—NO ABRASION REQUIREMENT

	Maximum prices f. o. b. plant	Maximum prices delivered to job site within the Miami area
Ballast (minus 2 1/2" plus 3/4").....	\$0.95	\$1.70
Concrete rock (minus 1 1/2" plus 3/4").....	1.20	2.00
Pea rock (minus 3/8" plus #4).....	1.50	2.35
Rice rock (or chats) (minus 3/8" plus #4).....	1.90	2.75

ROCK SCREENINGS—NO ABRASION REQUIREMENT

	Maximum prices f. o. b. plant	Maximum prices delivered to job site within the Miami area
Minus 3/8".....	\$1.00	\$1.75

MASON SAND OR SCREENINGS—NO ABRASION REQUIREMENT

	Maximum prices f. o. b. plant	Maximum prices delivered to job site within the Miami area
Minus 3/8".....	\$1.00	\$1.75

LIME ROCK—FIT RUN

	Maximum prices f. o. b. plant	Maximum prices delivered to job site within the Miami area
Grade #1.....	\$0.90	\$1.65
Grade #2.....	.80	1.55

All of the above maximum prices are per cubic yard when sold for delivery by truck or barge, and are per net ton when sold aboard railroad cars, f. o. b. plant or nearest railroad siding.

(b) The abrasion tests and gradations of "Miami Oolite Limestone" specified in this paragraph (a) (32) refer to the Dade and Broward County "Standard Classification for Crushed Stone and Screenings" filed with the Office of Price Administration on July 29, 1944, and supplemented on November 9, 1944. This classification is as follows:

Grade "A" crushed stone. Abrasion test—maximum loss by Los Angeles abrasion test, 35%. Gradation—Sizes 1-18 inclusive as provided by Specifications for Materials for Road and Bridge Construction by the Florida State Road Department.

Grade "B" crushed stone. Abrasion test—maximum loss by Los Angeles abrasion test, 50%. Gradation—Sizes 1-18, inclusive, as provided by Specifications for Materials for Road and Bridge Construction by the Florida State Road Department.

Grade "C" crushed stone. No abrasion requirement.

Ballast..... Minus 2 1/2" plus 3/4".  
Concrete rock..... Minus 1 1/2" plus 3/4".  
Pea rock..... Minus 3/8" plus #4.  
Rice rock (or chats)..... Minus 3/8" plus #4.

Rock screenings. Minus 3/8"—no abrasion requirement.

Mason sand or screening. Minus 1/8"—no abrasion requirement.

Lime rock—pit run. Grade 1 and Grade 2: Specification for materials for road and bridge construction by the Florida State Road Department.

(c) The following producers, namely, The Naranja Rock Company; E. Meekins; E. A. Pyncheon; Seminole Rock Products Company; Maule Industries; Kelly Rock and Sand Company; all located in Dade and Broward Counties, Florida; selling aggregates subject to this subparagraph shall file with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., within 15 days after March 31, 1945, and within 15 days after the close of each successive calendar quarter, thereafter, the following information covering the previous quarter:

1. Net sales in dollars broken down between:

Class "A" crushed stone.  
Class "B" crushed stone.  
Class "C" crushed stone.

2. Cubic yards or tons sold broken down between:

Class "A" crushed stone.  
Class "B" crushed stone.  
Class "C" crushed stone.

This amendment shall become effective February 23, 1945.

Issued this 20th day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2832; Filed, Feb. 20, 1945;  
11:44 a. m.]

[Administrative Notice 12]

TOMATOES

NOTICE TO GROWERS OF PROPOSED MAXIMUM PRICES

Pursuant to the provisions of the Emergency Price Control Act of 1942,

as amended, the Price Administrator hereby gives notice to growers of the maximum prices he proposes to establish for tomatoes during the following periods:

June 16-July 15: \$2.75 per lug; basing point Brownsville, Tex.

July 16-September 30: \$2.50 per lug, \$2.60 per bushel; f. o. b. country shipping points, all areas.

The foregoing prices will be set forth in Appendix H of Maximum Price Regulation 426, and appropriate differentials will be named for the various types of growers' sales. In the event that other f. o. b. shipping point prices are named, they will not be lower than the basing point price named above.

The applicable provisions of a prior "Notice to Growers," issued July 14, 1944 (9 F.R. 7996) are incorporated herein by reference.

Issued this 20th day of February 1945.

CHESTER BOWLES,  
Administrator.

Approved: February 19, 1945.

ASHLEY SELLERS,  
Assistant War Food  
Administrator.

For the reasons which will be set forth in the statement of considerations accompanying an amendment to Maximum Price Regulation 426 establishing the prices specified in the foregoing notice, I approve those prices and find that they are necessary to aid in the effective prosecution of the war.

FRED M. VINSON,  
Economic Stabilization Director.

[F. R. Doc. 45-2844; Filed, Feb. 20, 1945;  
3:48 p. m.]

[MPR 64, Order 169]

JACOBS MANUFACTURING CO.

APPROVAL OF MAXIMUM RESALE PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, it is ordered:

(a) This order establishes maximum prices for resales of the Model No. 16-45W Magazine Feed Coal Circulating Heater manufactured by Jacobs Manufacturing Company, Bridgeport, Alabama, as follows:

(1) For sales by wholesale distributors to retailers the maximum price is \$47.47 each, f. o. b. distributor's city.

(2) For sales by retailers to ultimate consumers the maximum price is \$75.95 each.

(b) The maximum prices established by this order are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(c) At the time of or prior to the first invoice to each purchaser for resale, after the effective date of this order, Jacobs Manufacturing Company and each wholesale distributor shall notify the purchaser of the maximum prices and



conditions set by this order for resales by the purchaser. This notice may be given in any convenient form.

In addition, Jacobs Manufacturing Company shall, before delivering any Model No. 16-45W Magazine Feed Coal Circulating Heater after the effective date of this order, attach securely to each stove a tag or label which plainly states the maximum price for sales to ultimate consumers. This tag or label shall be attached to the front of the stove.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 22d day of February 1945.

Issued this 21st day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2870; Filed, Feb. 21, 1945;  
11:11 a. m.]

[MPR 260, Order 623]

FERNANDEZ & RUILOVA CIGAR CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered*, That: (a) Fernandez & Ruilova Cigar Company, 1909 Nebraska Avenue, Tampa 3, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Kings Club.....	Kings.....	50	Per M \$90.00	12.
	Brevas.....	50	169.00	22.
	Epicures.....	50	108.75	2 for 29.
	Queens.....	50	154.00	20.
	Corona Chica..	50	146.00	19.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of

No. 38—3

cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 22, 1945.

Issued this 21st day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2873; Filed, Feb. 21, 1945;  
11:11 a. m.]

[MPR 188, Order 3400]

HUMPHREY PRODUCTS CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered*:

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Humphrey Products Company, 620½ East Douglas, Wichita 2, Kansas.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Utility cabinet...	C-60...	Each \$6.80	Each \$8.00
Kitchen cabinet...	K-60...	Each 17.38	Each 20.45

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated December 16, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, \$1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 22d day of February 1945.

Issued this 21st day of February 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-2872; Filed, Feb. 21, 1945;  
11:11 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 52-22]

ASSOCIATED GAS AND ELECTRIC CO., AND  
ASSOCIATED GAS AND ELECTRIC CORP.

#### NOTICE OF AND ORDER FOR HEARING WITH RESPECT TO AMENDMENT TO PLAN OF REORGANIZATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of February, 1945.

The Commission having, by order dated April 14, 1944, approved a plan of reorganization filed jointly under section 11 (f) of the Public Utility Holding Company Act of 1935 by Stanley Clarke, Trustee of Associated Gas and Electric Company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, registered holding companies (Holding Company Act Release No. 4985); and

The Commission having reserved jurisdiction to pass upon all future amendments to said plan of reorganization, including the number of directors and the persons to be named as members of the



initial board of directors of the Surviving Company, provided for in the plan, to hold office until the first annual meeting of stockholders following the consummation of the plan and until the election and qualification of their successors, and

Said Trustees having filed an amendment to said plan of reorganization in which it is proposed that the initial board of directors shall consist of nine persons and that such initial board shall consist of the following persons stated to have the following connections:

J. Lee Bausher, President, Infant Socks, Inc., Reading, Pennsylvania; Treasurer, Reading Air Chutes, Inc., Reading, Pennsylvania.

Harold M. Bixby, Vice President and Director, Pan American Airways Corporation, New York City.

Harold V. Bozell, President, General Telephone Corporation, New York City.

Edwin F. Chinlund, Vice President, Director and member of Executive Committee, R. H. Macy & Co., Inc., New York City.

Henry R. Hayes, Financial Consultant, New York City; Director and member of Executive Committee of Columbia Gas & Electric Corporation.

Albert F. Tegen, President and Director, Associated Electric Company; President and Director, NY PA NJ Utilities Company, New York City.

Willard L. Thorp, Trustee, Associated Gas and Electric Corporation, New York City.

William J. Waite, Chairman of Board, Clinton Trust Company; Secretary and Treasurer, A. Gusmer, Inc. and Director, Secretary and Treasurer of Schock, Gusmer & Co., Inc., Hoboken, New Jersey.

George R. Walker, President, Huron Holding Corporation, New York City; Chairman, Committee for Holders of Agecorp 8% Eight Year Gold Bonds Due 1940.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said amendment and that such amendment shall not become effective except pursuant to further order of this Commission:

*It is ordered*, That a hearing on such amendment under the applicable provisions of said act and rules of the Commission thereunder be held on March 22, 1945, at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such amendment shall become effective. Any person desiring to be heard in such proceeding shall file with the Commission, on or before March 17, 1945, his request therefor as provided by Rule XVII of the rules of practice of the Commission.

*It is further ordered*, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in said matter. The officer so designated to preside at said hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

*It is further ordered*, That, without limiting the scope of the issues presented by said amendment, particular attention be directed at said hearing to the appropriateness in the public interest and in the interest of investors and consumers, and under the applicable provisions of said act, of releasing the jurisdiction heretofore reserved with respect to the number of directors and the persons to be named as members of the initial board of directors of the Surviving Company.

*It is further ordered*, That notice of such hearing be given to Stanley Clarke, Trustee of Associated Gas and Electric Company, and to Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and to all other interested persons; said notice to be given to the Trustees by registered mail and to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-2854; Filed, Feb. 21, 1945; 9:49 a. m.]

[File No. 54-44]

#### UTILITIES STOCK & BOND CORP.

#### NOTICE REGARDING FILING OF APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of February, A. D. 1945.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 and Rules U-46 and U-62 promulgated thereunder, by Utilities Stock & Bond Corporation, a registered holding company; and

Notice is further given that any interested person may, not later than March 3, 1945, at 5:30 p. m., e. w. t., request the Commission that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may be granted or may become effective, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application or declaration, which is on file in the office of said Commission, for a statement of the transactions

therein proposed, which may be summarized as follows:

Utilities Stock & Bond Corporation proposes to liquidate and dissolve. Its assets consist only of cash and its liabilities, other than capital stock, consist only of \$643, the estimated cost of carrying out the dissolution. To effectuate this purpose, Utilities Stock & Bond Corporation proposes to distribute \$1.493 per share as a final liquidating dividend on its common stock and to solicit consents of its stockholders to its dissolution.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-2855; Filed, Feb. 21, 1945; 9:49 a. m.]

[File Nos. 54-116, 54-66, 59-61]

#### SCRANTON-SPRING BROOK WATER SERVICE CO., ET AL.

#### ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of February, A. D. 1945.

In the matters of Scranton-Spring Brook Water Service Company, Pennsylvania Water Service Company, Federal Water and Gas Corporation, File No. 54-116; Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; and Federal Water and Gas Corporation and subsidiary companies, respondents, File No. 59-61.

Federal Water and Gas Corporation, a registered holding company, and its subsidiary companies, Pennsylvania Water Service Company and Scranton-Spring Brook Water Service Company, having filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, a plan providing, among other things, for the recapitalization of Scranton-Spring Brook Water Service Company and the liquidation and dissolution of Pennsylvania Water Service Company for the stated purpose of complying with the provisions of section 11 (b) of the act and with the Commission's order dated February 10, 1943, directing Federal Water and Gas Corporation, Pennsylvania Water Service Company and Scranton-Spring Brook Water Service Company to take certain specified steps to comply with the provisions of section 11 (b) of the act; and

The Commission having by order dated January 8, 1945 directed that a hearing be held in respect of the said consolidated matters at 11:00 a. m., e. w. t., on February 26, 1945, at the office of the Commission in Philadelphia, Pennsylvania.

The applicants having requested that the hearing so directed to be held in said consolidated proceedings be postponed for a period of sixty days from February 26, 1945; and

The Commission deeming it appropriate under the circumstances that the request for postponement of the said hearing be granted for a limited period



of thirty-five days from February 26, 1945;

It is ordered, That the hearing in respect of the said consolidated matters previously ordered to be held on February 26, 1945 at 11:00 a. m., e. w. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be, and hereby is, postponed to April 2, 1945 at the same hour and before the same trial examiner as heretofore designated.

Notice is hereby given of the postponement of the said hearing to the above named applicants, to the Pennsylvania Public Utility Commission, to the New York Trust Company, Trustee under the indenture securing Scranton-Spring Brook Water Service Company's First Mortgage and Refunding 5% Series "A" and "B" Bonds, to The First National Bank of the City of New York, Trustee under the indentures securing the Scranton Gas & Water Company First Mortgage 4½% Bonds and The Spring Brook Water Supply Company First Refunding Mortgage 5% Bonds, and to all interested persons, said notice to be given to said applicants and to the Pennsylvania Public Utility Commission, the New York Trust Company, Trustee, and the First National Bank of the City of New York, Trustee, by registered mail, and to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That the time within which any person desiring to be heard or otherwise wishing to participate in said proceedings shall file his request or application therefor with the Secretary of the Commission, as provided by Rule XVII of the Commission's rules of practice, be, and the same hereby is, extended to March 30, 1945.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-2856; Filed, Feb. 21, 1945;  
9:50 a. m.]

[File Nos. 59-17, 59-11 and 54-25]

THE UNITED LIGHT AND POWER CO., ET AL.

#### ORDER EXEMPTING SALE OF SECURITIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of February A. D., 1945.

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File No. 59-17; The United Light and Power Company and its subsidiary companies, Respondents, File No. 59-11; The United Light and Power Company, Applicant, File No. 54-25.

Continental Gas & Electric Corporation, a registered holding company and a subsidiary of The United Light and Railways Company and The United Light and Power Company, both registered holding companies, and Iowa-Nebraska

Light and Power Company, a subsidiary of Continental Gas & Electric Corporation, having filed an application and declaration with amendments thereto, designated as "Application No. 20", pursuant to sections 11 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-44, U-46 and U-50, regarding the declaration and payment of a cash dividend of \$465,000 by Iowa-Nebraska Light and Power to Continental Gas & Electric Corporation and the sale by Continental Gas & Electric Corporation of all of the outstanding securities of Iowa-Nebraska Light and Power Company, consisting of 33,684 shares of common stock of the par value of \$100 each, to Central Electric & Gas Company for a base price of \$4,325,000, subject to adjustment at closing for the net current position of Iowa-Nebraska Light and Power Company at the date the sale is consummated; and

Continental Gas & Electric Corporation and Iowa-Nebraska Light and Power Company having in Application No. 20 requested the Commission to issue an order exempting the proposed sale of the securities of Iowa-Nebraska Light and Power Company, pursuant to paragraph (a) (5) of Rule U-50, from the competitive bidding requirements of paragraph (b) of said rule and having also requested the Commission to issue an appropriate order and findings in connection with said proposed sale of securities conforming to the requirements of sections 371 and 1808 of the Internal Revenue Code; and

Public hearings with respect to said Application No. 20 having been held after appropriate notice and the Commission having considered the record of the proceedings and having entered its findings and opinion herein; and

The Commission having found that the sale of the securities of Iowa-Nebraska Light and Power Company by Continental Gas & Electric Corporation is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

It is ordered, That the application and declaration with amendments thereto, designated as "Application No. 20", be granted and be permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to a reservation of jurisdiction with respect to the proceeds obtained by Continental Gas & Electric Corporation from the sale of the securities of Iowa-Nebraska Light and Power Company.

It is further ordered, That the sale by Continental Gas & Electric Corporation of the securities of Iowa-Nebraska Light and Power Company, consisting of 33,684 shares of common stock of the par value of \$100 each, for a base price of \$4,325,000, subject to adjustment at closing for the net current position of Iowa-Nebraska Light and Power Company at the date the sale is consummated, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935. This paragraph is included in our order at the request of Continental Gas & Elec-

tric Corporation in view of sections 371 and 1808 of the Internal Revenue Code.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-2857; Filed, Feb. 21, 1945;  
9:50 a. m.]

[File No. 70-1016]

OKLAHOMA GAS AND ELECTRIC CO.

#### SUPPLEMENTAL ORDER OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of February 1945.

Oklahoma Gas and Electric Company, a public utility subsidiary of Standard Gas and Electric Company, a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, and Rule U-50 promulgated thereunder, regarding the issuance and sale, at competitive bidding, of \$35,000,000 principal amount of First Mortgage Bonds, series due February 1, 1975, and the application of the net proceeds from the sale of said bonds together with general funds of declarant to the redemption of \$35,000,000 principal amount of its First Mortgage Bonds, 3¾% Series due 1966, presently outstanding at the redemption price of 104¼% of the principal amount thereof plus accrued interest to date of redemption; and

The Commission having by order entered herein under date of February 8, 1945, permitted said amended declaration to become effective subject to the condition that the proposed issuance and sale of securities should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered in the light of the record so completed; and

The Oklahoma Gas and Electric Company having filed a further amendment to the declaration, setting forth the action taken to comply with the requirements of Rule U-50 and showing that, pursuant to the invitation for competitive bids, four bids on said bonds by four groups of underwriters headed by the firms set forth below were received:

Underwriting groups	Coupon rate	Price to company <sup>1</sup> (percent of principal amount)	Annual cost to company
	Percent		Percent
Halsey, Stuart & Co., Inc.	2¾	100.02	2.749
Lehman Brothers	2¾	102.1679	2.768
The First Boston Corporation	2¾	102.07	2.772
Harriman Ripley & Co., Inc.	2¾	101.91	2.731

<sup>1</sup> Plus accrued interest.

The said amendment having further stated that the Oklahoma Gas and Electric Company has accepted the bid of the group headed by Halsey Stuart & Co. Inc., as set out above and that the bonds



will be offered for sale to the public at a price of 101% of the principal amount thereof plus accrued interest from February 1, 1945, resulting in an underwriters' spread of 0.98% of the principal amount of said bonds; and

A further hearing having been held, and the Commission having examined the record in the light of said amendment, and finding no basis for imposing terms and conditions with respect to the price to be paid to the company for said bonds, the underwriters' spread and its allocation;

*It is ordered*, That, subject to the terms and conditions contained in Rule U-24, said declaration, as amended, be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-2858; Filed, Feb. 21, 1945;  
9:50 a. m.]

[File No. 70-1028]

PORTLAND GENERAL ELECTRIC CO.

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of February 1945.

Notice is hereby given that an application or declaration has been filed by Portland General Electric Company, a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder.

Notice is further given that any interested person may, not later than February 27, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration as filed or as amended may become effective pursuant to Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa.

All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Portland General Electric Company proposes to pay \$1,840,505 in cash and deliver 53,500 shares of \$6 preferred stock of Consolidated Electric and Gas Company to The Chase National Bank of the City of New York and Harris Trust and Savings Bank in settlement of all claims of these banks against Portland General Electric Company, which banks

hold certain notes of Portland General Electric Company in the aggregate face amount of \$4,889,663 with accrued interest of \$1,078,179 or an aggregate claim of \$5,967,842 as of December 13, 1944. The 53,500 shares of \$6 preferred stock of Consolidated Electric and Gas Company referred to are pledged, among other collateral, to secure the notes held by these banks. The banks will release Portland General Electric Company from all obligations by reason of any loans heretofore procured from the banks, and all collateral held to secure the payment of the loans (except the pledged shares of preferred stock) will be returned to Portland General Electric Company. In addition, the banks have made a commitment, firm for nine months from December 8, 1944, to lend to Portland General Electric Company \$5,500,000 repayable in twenty equal semi-annual installments with interest at 2% per annum. Litigation involving the claims on the notes is pending in the United States District Court for the District of Oregon and the proposed settlement is the subject of hearings in that Court.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-2859; Filed, Feb. 21, 1945;  
9:50 a. m.]

#### SURPLUS PROPERTY BOARD.

[Temporary Order 3]

#### POWER OF OWNING AGENCIES TO LEASE REAL ESTATE

Part III E (2) (c) of Regulation No. 1 of the Surplus War Property Administration, as amended (9. F.R. 5096, 9182, 12069), provides as follows: "In case of surplus real property the owning agency will protect and maintain the property until disposed of by the disposal agency, unless the disposal agency shall theretofore assume responsibility for such protection and maintenance. Accountability for such property will remain in the owning agency until such disposition or assumption of responsibility by the disposal agency." No regulations of the Surplus Property Board have been issued under the Surplus Property Act of 1944 superseding that provision.

The Board recognizes the importance of placing surplus real property in productive use during the period prior to the issuance by the Board of regulations relating to the disposal of real property and considers it important to accomplish that purpose under existing policies and procedures.

1. *Definition.* As used in this Temporary Order, "real property" has the same meaning as defined in section 23 (a) of the Surplus Property Act (Public Law 457—78th Congress), as follows:

(1) The term "real property" means property consisting of land, together with any fixtures and improvements thereon, located outside of the District of Columbia, but does

not include war housing, industrial plants, factories, or similar structures and facilities, or the sites thereof, or land which the Board determines is essential to the use of any of the foregoing; and

(2) The term "surplus real property" means real property which has been determined under Section 11 to be surplus property.

2. *Leases.* During the period between the time when an owning agency reports real property as surplus to a disposal agency and the time when the disposal agency actually assumes the responsibility for protection and maintenance, any owning agency is authorized to lease surplus real property at a fair market rental for the purpose of placing it in prompt use. Such leases shall be subject to be revoked at any time in the discretion of the leaser-agency so that a return of the real property to war use or its ultimate disposition will not be delayed. Appropriate provision shall be made, in the event of revocation, for refund of the rentals paid in whole or in part and for payment, subject to the availability of appropriations therefor, of compensation for taking of the lessee's crops or improvements. The owning agency shall prescribe such other conditions as it may deem appropriate, such as conditions regarding maintenance, restoration, crop rotation, subletting and and revocation for breach.

3. *Former owners.* Consistent with the prompt utilization of surplus real property, the owning agency shall make every reasonable effort to afford former owners (i. e., the owner from whom the Government acquired the property) first opportunity to acquire such leases at a fair market rental. Otherwise competition shall be obtained to the extent feasible through wide public notice.

4. *Receipts.* The proceeds from such leases shall be held in special deposit accounts until such time as the possibility of remission of such proceeds to the lessees has passed, but not longer than one year from the date of collection, after which they shall be covered into the Treasury of the United States to the credit of miscellaneous receipts.

5. *War Relocation Authority.* The authorizations herein given are hereby extended to the War Department with regard to any real property reported as surplus by the War Relocation Authority in cases where the Authority requests the War Department to act in its behalf.

6. *Other powers to lease.* This order is issued for the purpose of clarification and shall not be deemed to limit any other powers to lease under existing policies and procedures.

7. *Revocation.* This order shall continue in effect until such time as it is revoked by the Board by action specifically referring to this order.

SURPLUS PROPERTY BOARD,  
HELEN SULLIVAN,

Secretary.

FEBRUARY 19, 1945.

[F. R. Doc. 45-2860; Filed, Feb. 21, 1945;  
10:37 a. m.]